

A CENTURY
OF
INDIANA



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A CENTURY OF INDIANA

BY

EDWARD E. MOORE



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PREFACE

THE production of this work is the result of a belief that there is a field for a new history of Indiana, briefer in general narrative, though fuller in political and constitutional history, than other standard works heretofore published. The word "political" is of course used in its governmental and not its partisan sense, though every phase of the state's history is treated according to its relative importance, the activities of the leading political parties not excepted.

Then there are reasons why the present seems a peculiarly fitting time to bring out such a work. With the approach of the centennial year of statehood, and the rounding out of a cycle of Indiana history, there comes to the thoughtful mind not only a renewed interest in the fascinating story of the origin, antecedents and growth of our splendid commonwealth, but a striking realization of the fact that a new era, not only of material progress, but of social and civic development, involving many changes from former ideals, has dawned. The formative period in the state's history is closed, and the new problems of government, and of dealing with the varied interests and needs of the people, are widely different from those of the earlier times.

In the style of presentation of this history, neither partisan bias nor a purpose to shield the recreant, whether a political party or other organization or individuals, has been con-

sciously indulged, and endeavor has been made to avoid the spirit of mere boastfulness so apt to insinuate itself on account of state pride or local patriotism. No good purpose can be served by an effort to color the facts of history, and surely there could be no greater crime in literature than a deliberate attempt to falsify them. The story of the rise of the state from the wilderness scarce a hundred years ago, of the development of its rich resources of mines and soil, and the evolution of its government; the stirring chapters of its territorial history, and the various events of war and peace, of danger, of sacrifice, and of achievement, through all the wonderful years that have elapsed since La Salle first skirted our southern shore while on his voyage down the Ohio in 1669, are such that no fanciful embellishments are needed to attract and hold the attention.

In this great panorama of history there pass in review (1) the Mound Builders, who disappeared so many hundreds of years ago that there would now remain not even a memory of the race, were it not for the great mounds and fortifications of earth which mark the scenes of their ancient industry; (2) the disdainful Indian, who chose death and race extinction rather than give up the wild life of the forest he loved so well; (3) the eager French explorers, traders, missionaries and adventurers, upon whose restless wanderings and feeble attempts to found colonies their country sought to establish a vast empire in central North America, extending from the Gulf coast to the regions beyond the northern Lakes; (4) the ever conquering Anglo-Saxon who destroyed this dream of empire with a stroke of the sword, and (5) the frank and rugged American who still abides, and for whom Providence seems to have reserved the priceless heritage of the continent.

Not quite two hundred years have elapsed since the first outpost of European civilization was established on the soil of what is now Indiana, and for a half-century following the preliminaries of occupation by the French the white population of the territory did not exceed four hundred souls. Dating the first impetus to general settlement from the adoption of the Ordinance of 1787, it has required the community comprising the state of Indiana a little less than a century and a quarter to build itself up, conquer the wilderness, form and perfect a government, and advance to the present stage of civilization and prosperity enjoyed by the people. And that Indiana, still younger in years than some of her oldest pioneer citizens, should now stand admittedly in the vanguard of the sisterhood of states in education, and moral, material and civic progress, is a distinction in which all worthy citizens may justly pride themselves. I have sought, however, to avoid the temptation to exaggerate glorious facts, or suppress disagreeable truths, merely to flatter such a pride. The lessons of history are of two kinds, and each should have its voice. The purpose to atone for an error or correct a wrong, or the contemplation of an example to be avoided, may prove a motive to well-doing only less valuable than the desire to emulate that which is commendable and honorable.

Enough of the broader aspects of our national history are set forth, in their proper connections, to make clear the related and dependent events in the state's history.

Numerous references to authorities, and sources of information are given, both in the text and in accompanying footnotes. These will furnish a helpful guide to the student who may desire to pursue a more exhaustive study of the subject than is here provided.

And to what extent I have succeeded, if at all, in my effort to make this story of Indiana interesting and readable, as well as instructive, must now be left to the judgment of an enlightened and discriminating public.

EDWARD E. MOORE.

CONNERSVILLE, INDIANA.

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A CENTURY OF INDIANA

CHAPTER I

THE GEOGRAPHY OF INDIANA

Location, Boundaries, and Political Divisions. Indiana is included in the north central group of states, and lies between $37^{\circ} 41'$ and $41^{\circ} 46'$ north latitude, and between $84^{\circ} 44'$ and $86^{\circ} 6'$ west longitude. It is bounded on the north by the parallel which lies ten miles north of the southern extremity of Lake Michigan, on the east by the meridian of the mouth of the Great Miami River, on the south by the Ohio River, and on the west by the Wabash River and the meridian of Vincennes. The bordering states are Michigan on the north, Ohio and Kentucky on the east, Kentucky on the south, and Illinois on the west. Lake Michigan forms about a third of the northern boundary.

The state has an extreme length from north to south of about 250 miles, and an extreme breadth from east to west of 145 miles. Territorially it ranks thirty-fifth among the states of the Union, its area being but 36,350 square miles. Its political divisions consist of 92 counties, and these are subdivided into 1016 townships. Indianapolis, situated near the center of the state, is the capital.

Topography and Soils. The unglaciated portion of the state, covering about one fourth of its area, and lying in the form of a triangle with its apex in Morgan County and its base on the Ohio River, possesses a varied and an uneven

surface, marked in places by deep narrow valleys and rapid running streams. A small area in the southeast, though showing glacial drift, partakes of the same general character. None of the hills rise to an altitude approaching the dignity of mountains. The soil is alluvial and fertile in the valleys, the valley of the White Water especially being notable for the productiveness of its farms. And even on the higher and more uneven land judicious cultivation seldom fails to bring fair rewards. The staple crops of corn, wheat, oats, and potatoes are raised, but fruit culture is fast becoming a leading industry, being best adapted to the region. In the northwest, around the head of Lake Michigan, there are numerous sand hills and dunes, due partly to a former extension of the lake, and partly to wind action. In the basin of the Kankakee, also in the northwest, but south of the sand hills, there is a vast region of lakes and marshes and wet prairies. The drainage of this lake and marsh region is retarded by the flat, level character of the country and the presence of a complex system of morainic hills and ridges. In the northeast there is a region of high moraines, one great ridge of drift being 200 to 500 feet deep and 25 miles wide, and extending from Steuben County to Cass, a distance of 100 miles. In fact, over nearly all of the northern three fourths of the state these moraines, or raised ridges of boulders and various kinds of drift, are to be seen lying "like dead waves upon the surface of the ocean." Aside from the broken and uneven ground in the southern part of the state comprising the "Ohio Slope," the sand dunes in the northwest, the morainic hills in the northeast, and the lake and marsh regions throughout a large portion of the northern third, especially in the basin of the Kankakee, the rest of the state is a vast and undulating plain of glacial

drift and accumulations. It possesses a deep mellow soil, unexcelled anywhere on the continent for fertility and productiveness. The principal crops grown are corn, wheat, oats, potatoes, and hay.

Geological Formations and Land Elevations. The rocks underlying the state are sedimentary, and have never been violently disturbed by earthquake or volcanic action. Their position, however, shows that at some comparatively recent date in geologic history they were "gently lifted into a very flat arch, the crest of which extends from Union County to Lake County. From the crest of the arch the strata dip gently to the northeast and southwest, the slope in the latter direction being about 20 feet to the mile."¹

The average land elevation in Indiana is 700 feet above tide. The highest point in the state is 1285 feet, and occurs in southern Randolph County. The lowest, which is in the extreme southwest, is 313 feet above tide. Only 2850 square miles have an altitude of 1000 feet or over, and this area is comprised within the counties of Wayne, Union, Randolph, Delaware, Henry, Rush, Decatur, Franklin, Ripley, Brown, Steuben, DeKalb, Noble, and Lagrange. About 4700 square miles have an elevation of less than 500 feet.²

Drainage System: Rivers and Lakes. The Wabash River, which with its tributaries furnishes the drainage for more than two thirds of the state, rises in Mercer County, Ohio, only a few miles from the Indiana-Ohio state line, enters Indiana on the boundary between Adams and Jay counties, flows northwestward through Adams, Wells, Huntington, and Wabash counties, then turns nearly due west through Miami and into Cass, whence it turns to the southwestward,

¹ C. R. Dryer.

² All figures as to land elevations here given are according to C. R. Dryer.



THE WABASH, NEAR LAFAYETTE

and finally directs its course almost due south to its junction with the Ohio. The Wabash has a fall of only about eighteen inches to the mile throughout its long course of over 400 miles within the state. Its principal tributaries are the White River, the Mississinewa, and the Salamonie, joining from the east and south, and the Little Wabash, the Eel, and the Tippecanoe from the north or northeast. The Vermilion



WHITE WATER RIVER, NEAR CONNERSVILLE

and the Embarrass rivers are tributaries from the north and west, the latter being wholly, and the former partly, in the state of Illinois. The White River constitutes a considerable system within itself, being formed by the East Fork and the West Fork, which, with their own tributaries, drain a large portion of the southern and central regions of the state. The White Water River, rising in Randolph County, flows south and southeast through Wayne, Fayette, Franklin, and Dearborn counties, and forms a junction with the Great

Miami near Harrison, Ohio. This stream has an average fall of almost seven feet to the mile, and is one of the most picturesque and beautiful in the state. There is a small area which drains into Lake Erie through the Maumee River system. The Maumee is formed at Fort Wayne by the junction of the St. Mary's River, flowing to the northwest from its source in Ohio, and the St. Joseph, which originates in Michigan and flows to the southwest through the corner of Ohio and thence into Indiana. After thus uniting their waters and forming the Maumee, these two rivers double back upon their courses and flow to the east and north, emptying into the lake. The St. Mary's and the St. Joseph are striking examples of moraine-guided streams.

Then there is a drainage into Lake Michigan through the St. Joseph of the Lake, which has its origin in Michigan, makes a long graceful sweep through portions of Elkhart and St. Joseph counties, Indiana, and flows back north and westward to the lake. Finally, the Kankakee, which has its source in St. Joseph County, and furnishes drainage for a limited area in the northwest, carries its sluggish waters to the Illinois, and thence to the Mississippi. A number of small streams in the southern part of the state drain directly into the Ohio. The general slope of the state is to the southwest, as indicated by the course of the Wabash, and by the vastly greater amount of drainage in that direction.

Scattered over the northern third of the state there are a thousand shimmering lakes, many of them covering areas of several square miles. They lend an aspect of great beauty to the region, and during the summer months, attract multitudes of health and pleasure seekers to their shores.

Climate and Occupations. The average temperature of the state ranges from about 25 degrees Fahrenheit in the

north to 33 in the south in January, and from 72 degrees in the north to 77 in the south in July. The extremes range from about 103 degrees above zero to 22 below. The record high temperature for the central portion of the state is 106 degrees, an extreme reached July 22, 1901, while the record low temperature of 25 degrees below zero occurred January 5, 1884. There is an abundant rainfall over all sections, and considerable snow precipitation in the north.

Agriculture is the principal occupation of the people, although manufacturing and coal mining are highly important industries. Indiana ranks about sixth as an agricultural state, notwithstanding the disparity of area in favor of her rival commonwealths. She occupies the tenth place as a manufacturing state, and sixth as a coal-producing state.

Before the Woodman Came. Originally Indiana was heavily timbered, especially in the south, and along the Wabash and White Water river valleys, with dense forests of oak, hickory, ash, maple, beech, poplar, sycamore, cottonwood, elm, and other deciduous trees. The Catalpa, now being widely cultivated because of its rapid growth, and the durability, adaptability, and workable qualities of its wood, is a native of the Wabash valley. Only a few small areas were covered by evergreen trees. In the central and eastern and southeastern portions of the state the Indians had no settlements worth the mention, largely because of the denseness in those regions of the forests of great trees. When these trees were removed the land occupied by them proved to be almost limitless in its powers of production.

Settlement and Population. The settlement of the state by white men first began in the southwest and south, and gradually extended toward the north. The first comers,

after the handful of French about Vincennes and Ouiatenon, were principally from the southern and central eastern states. Later there was an influx of immigrants from New York and the New England states, and these contributed their numbers mainly toward building up the population of the northern counties. The total population of Indiana in 1800 was 5641. In 1900, just a century later, it was 2,516,462. It is thought that the census enumeration of 1910, now being compiled, will show a present population of 2,850,000, and that there will easily be more than 3,000,000 Indianians to participate in the celebration of the centennial anniversary of statehood in 1916.

CHAPTER II

ABORIGINAL INHABITANTS

THE MOUND BUILDERS

Relics of a Prehistoric Civilization; a Vanished Race. The Mound Builders were a prehistoric race of people who occupied a large portion of North America many hundreds, perhaps thousands, of years before the advent of European civilization. Their principal abode appears to have been in the Mississippi and Ohio river valleys, if we may judge by the greater prevalence there of the peculiar mounds of earth and military fortifications constructed by them. There has been much interesting speculation as to who they were, where they came from, how long they occupied the country, and what became of them, but authentic history can vouchsafe no certain answer. These unsolved though fascinating mysteries have furnished inspiration to many imaginative writers whose works should have value in the realms of pure speculation only. The form of romancing indulged by them has clothed the aboriginal race of Mound Builders, in the minds of many credulous people, with certain heroic attributes and a nobility of character which it is very doubtful if they ever possessed. The notion that they were of gigantic stature is a myth kept alive, no doubt, by the reports given circulation from time to time of the finding of buried skeletons of abnormal size. The progress of the Mound Builders toward civilization also has been much overestimated. But in spite of all these things so much of their history as we do know is full

of ethnologic and human interest. The real truth of the matter is, that the Mound Builders were a savage or at best a semicivilized people, who left no history, and no trace of a written or printed language. Neither by symbol, hieroglyphic, or any example of sign or picture writing yet discovered, can it be shown that they had any method of conveying written or recorded intelligence. All that is known of them must be gleaned from a few relics of flint, stone and metal implements, crude though sometimes highly ornamented pottery, simple domestic utensils, and their own decaying bones. Aside from these, the only enduring monuments to their existence are the curious earth mounds, and a number of highly interesting military fortifications built by them.

At the time of the first explorations of this country by white men, some three centuries ago, trees, estimated to be eight hundred to a thousand years old, were growing upon these abandoned mounds and earthworks. The age of these trees might furnish a fairly plausible clew to the time of disappearance of the Mound Builders, but how long they had occupied the country, where they came from, or what caused their disappearance, are among the deeper mysteries of the voiceless past.¹

¹ Evidence has accumulated during recent years in support of the belief that this country was inhabited by a primitive race of men before the Glacial epoch, which terminated, according to the most conservative scientific estimates, ten thousand to thirty thousand years ago. And as the period of formation and duration of the enormous ice packs which invaded and devastated the country is estimated at not less than fifteen thousand to twenty-five thousand years, man's great antiquity, if he really dwelt here in preglacial times, is indicated. The calculation would place the period of his latest preglacial occupancy at twenty-five thousand to fifty-five thousand years ago. Some of the important items supporting this belief have been gleaned in Indiana. Mr. H. T. Cresson, of Philadelphia, in the year 1886, found at Medora, in Jackson County, Indiana, deeply imbedded in a glacial

It is probable that the Mound Builders as a race were akin to the Indians. They may have been a branch or offshoot of the Toltecs, or their successors the Aztecs, of ancient Mexico and Central America, though inferior to them in advancement toward civilization.

Traditional Fate of the Mound Builders; a Numerous Population Indicated. The Iroquois Indians handed down a curious tradition which is as likely to be the true explanation of the fate of the Mound Builders as any other. It was to the effect that when the *Lenni Lenapi*, common ancestors of the Iroquois and other tribes, advanced from the Northwest to the Mississippi, they found on the eastern side of that stream a great nation of people, more civilized than the Indians, living in towns and cultivating the soil. Having given the Lenni Lenapi permission to pass through to seek an eastward settlement, this people, inferentially the Mound Builders, treacherously attacked them while they were crossing the river. This gave rise to a long and bloody warfare, which eventually resulted in the subjugation and extermination of the offending strangers and the occupation of their country by the conquering Red Men.

That the Mound Builders attained to a numerous population is evident from the magnitude of the public works in the nature of mounds and military fortifications which they constructed. And only by the practice of agriculture could so large a population have been maintained, although hunting and fishing were also extensively followed. The implements left by them show that their agricultural operations were carried on by means of shells, or by hand tools of stone

drift, a well-wrought flint implement of human manufacture. Similar evidences of preglacial habitation have been found in New Jersey, Ohio, and elsewhere.

or wood, and in building their mounds and military defenses the earth must have been carried in baskets, doubtless poised on the heads of the workers. They had neither machinery of any kind nor domestic animals. Under such circumstances it is evident that the population constructing the vast works left by this primitive people must have been subject to conditions of practical slavery.

Mounds and Military Defenses. The Mound Builders may have been valiant in war. That they had enemies to whom they doubtless succumbed eventually is proved by the fortifications and defenses heretofore referred to. In the construction of these works some knowledge of engineering is evidenced by examples of perfect circles, angles, and squares; and their defenses seem to have been built with reference to definite plans. A chain of fortifications can be traced "reaching from the southern part of New York diagonally across the country to the Wabash River, and another chain commencing at a point on the Ohio River, in Clark County, Indiana, running northward into Madison County, thence eastward to central Ohio, and thence southward through Kentucky to Tennessee."¹

Fort Ancient, one of the most noted of these ancient fortifications, situated on the Little Miami River in Ohio, inclosed one hundred acres of ground, and would have held a garrison of sixty thousand men, with their families and provisions. The surrounding embankments were five to twenty-five feet in height.

There is every evidence that these strange people made a Titanic struggle for their continued existence and that their enemies paid dearly for their victory over them.

Interesting examples of ancient military fortifications in

¹ Smith's *History of Indiana*.

Indiana are to be found in Clark, Jefferson, Madison, Sullivan, and Randolph counties. "Fort Azatlan" in Sullivan, near the town of Merom, and a remarkable stone fort at the mouth of Fourteen Mile Creek, in Clark County, are especially worthy of mention:

The mounds of earth erected by the Mound Builders, doubtless at the expense of years of patient toil, have been variously classified by different authors as burial mounds, temple mounds, memorial pillars, and mounds of habitation. That many of them were used as burial mounds or places of sepulture, there can be no question, and it is very probable that some, especially the larger ones, served as temples. While they may have been used as watch-towers or lookouts in time of war, it is very doubtful if any of the mounds were used for purposes of habitation. Excavations seldom fail to bring to view human bones and other relics such as have been mentioned. Usually the bones represent one or a few persons, though sometimes many. W. H. Smith, in his history, relates that from one mound which was removed in the town of Spencer, Owen County, Indiana, there were taken more than twenty wagonloads of human bones, representing probably five thousand bodies.

These mounds or *tumuli*, are numerous in Indiana, being found in nearly all sections of the state, but they are most abundant in the south. They are common objects marking the landscape in Knox, Sullivan, Owen, Clark, and many other counties. Pyramid mound in Knox County, south of Vincennes, is probably the highest in the state. It was reported by Professor Collett to be forty-seven feet high, three hundred feet long, and one hundred fifty feet wide. On its top there is a level area fifteen by fifty feet. This mound is a pygmy, however, when compared with examples

found elsewhere. The Cahokia truncated mound in Illinois measures seven hundred by five hundred feet at the base and is ninety feet high. The mounds vary in shape as well as in size. There are square, circular, conical, truncated, and terraced mounds, and mounds built in imitation of various kinds of animals, including man. The best examples of this latter class are to be found in Wisconsin, though there is a remarkable mound in Adams County, Ohio, constructed in imitation of an enormous serpent. It is twelve hundred feet in length.

THE INDIANS

Indians Make Little Progress toward Civilization; Doubtless Conquerors of Mound Builders; Their Probable Origin. Whether the Indians were the immediate successors of the Mound Builders in their occupancy of the territory now comprised within the United States, or whether a period of time elapsed between the going of the one race and the coming of the other, none can with certainty tell. It is more than probable that the succession was not only immediate, but that the Mound Builders were conquered and destroyed by the Indians, who then possessed themselves of their lands. The result could hardly have been based upon the outcome of a single battle, but may have been the culmination of a warfare of years, or hostilities of decades. There is, in fact, no way to prove that the Indians in their origin are less ancient than the Mound Builders.

It is therefore just as difficult to account for the presence of the Indians on the American continent as to account for the existence of the Mound Builders. They were here when European explorers first sailed across the seas; and beyond the stretch of the memory of those then living, and

a few untrustworthy traditions, nothing is known of their history previous to that time. They bear a slight resemblance to the people living in some portions of Japan, and in remote ages of the past may have emigrated from Japan or Eastern Asia by crossing Bering Strait to Alaska. Or they may have come by way of the Aleutian chain of islands which in earlier geologic times doubtless constituted a much more extended area of land connecting, or partially connecting, the two continents.

The Indians, prior to the time of the intrusion of the White Man's civilization, had no written language and preserved no history or records. Beyond a moderately well-developed spoken language, and a crude system of picture and sign writing for use in war and the chase, they had made but little progress toward civilization. Originally most of the tribes practiced cannibalism, not only feasting upon the flesh of their enemies killed or captured in war, but devouring their own kindred in times of food scarcity. The Miamis clung to the horrible custom longer than any of the other tribes, keeping it up until after the Revolutionary War.

Indiana Indians Algonquins. Most of the Indian tribes in Indiana were members of the Algonquin family. A majority of them, among whom were the Twightwees, Weas, Piankashaws and Shockneys, were members of the formidable Miami confederacy. The tribes were frequently at war with one another, and migrated from place to place.

Aside from the Twightwees or Miamis, the Delawares, Shawnees, Wyandots and Potawatamis were the strongest of the tribes in Indiana. Tecumseh and his brother, the Prophet, were of the fierce Shawnee tribe. Little Turtle, one of the greatest of Indian warriors, was a Miami.

CHAPTER III

EARLY EXPLORATIONS

Robert Cavelier, Sieur de La Salle in Indiana; Discovery of the Ohio River. The exact date when white men first set foot upon the soil of what is now Indiana is not known. That it was sometime prior to 1657 has been claimed, because in that year an official "Map of New France" was published on which the course of the Maumee River, which has its source in the state, was traced with reasonable accuracy. It is surmised that intrepid French hunters from Quebec and Montreal may have crossed Lake



LA SALLE

Erie and found their way into Indiana soon after those early northern settlements were made (1608 and 1642, respectively), but there is no actual record of any European having invaded the vast new country south of the Great Lakes before the voyage of La Salle, in 1669. That missionaries or hunters

may have visited the region prior to that time without leaving any account of their adventures is altogether possible, though the point is not important, except as it is made so by writers for sentimental or controversial reasons.

Robert Cavelier, Sieur de La Salle, who was commandant at Fort Frontenac, now Kingston, on the northern shore of Lake Ontario, sailed down the Ohio River in 1669, skirting the southern border of what is now Indiana. He was on a voyage of discovery, seeking the "Great River" (Mississippi), and a passage to Japan and China. There was also some motive of opening up trade with Mexico, where gold discoveries of untold richness had been reported.

La Salle started on his voyage from La Chine, near Montreal, July 6, 1669, with seven canoes and twenty-four men. Associated with him were two Sulpician priests, Dollier and Gallinée, but these deserted him at the western extremity of Lake Ontario. At this place the La Salle expedition was met by Louis Joliet, who was returning from an unsuccessful search for the lost copper mines of Lake Superior. It was upon his report that Dollier and Gallinée withdrew, and proceeded to the Upper Lake regions to endeavor to convert the Potawatami Indians.

From the time of the meeting with Joliet and the desertion of the two priests the accounts of La Salle's voyage are obscure, or rather, records are lacking altogether. Some writers say he crossed the territory now comprised within the state of Indiana by ascending the Maumee from Lake Erie, crossing the portage to the Wabash, and descending that stream to the Ohio, while others maintain, and with a much better show of probability, that he entered the Ohio at the present site of Pittsburg, by way of the Allegheny. The essential fact that he discovered the Ohio, and navigated

it as far as the Falls at New Albany, and perhaps almost to its mouth, is well established.

In a memorial to the king in 1677, speaking of himself in the third person, La Salle says: "In the year 1667, and those following, he made divers voyages with much expense, in which he for the first time explored many countries to the south of the great lakes, and among others the great river of Ohio; he followed it to a place where it empties, after a long course, into vast marshes, at the latitude of 37 degrees, after having been increased by another river, very large, which comes from the north; and all these waters discharge themselves, according to all appearances, into the Gulf of Mexico."

This would indicate, if La Salle's calculations as to latitude are correct (and it is presumed they are, for Henri Joutel says of him in his journal that he was a man "well enough learned, and understanding in the Mathematicks"), that he must have approached very nearly to the mouth of the Ohio. "He may have arrived there at a time when the Mississippi was overflowing, in which case the backwater in the Ohio, the overflowed bottom-lands, and the extensive canebrakes that then existed on both its banks below the mouth of the Tennessee, might very naturally have caused him to believe that it emptied into vast marshes."¹ That other river, "very large, which comes from the north," was without doubt the Wabash.

It is fairly certain that La Salle also crossed the north-western corner of the state in 1671 or 1672, by way of the St. Joseph of the Lake, and the Kankakee, on his way to the Illinois. After this there was no further exploration of Indiana, so far as any known records show, until

¹ J. P. Dunn.

La Salle's memorable expedition of 1679-80. It is reasonably certain, however, that missionaries and fur traders had begun to find their way into the region ere this. La Salle himself was interested in commerce as well as exploration and discovery, and through trusted emissaries built up an extensive trade with the Indians, extending it systematically among the new tribes encountered on his voyages. Game and fur-bearing animals were very plentiful in portions of Indiana.

La Salle's Later Voyages and his Exploration of the Mississippi; Takes Possession for France; His Trade with the Indians. In 1679 La Salle set out to secure possession of the Mississippi for France and to open up trade with Mexico. On the Niagara River, just above the Falls, he constructed the *Griffon*, which was the first vessel ever launched on the waters of the upper Great Lakes. Sailing first to Green Bay, Wisconsin, he loaded the *Griffon* with furs and sent it back to Niagara with orders to obtain a cargo of supplies and return to him at the mouth of the Chicago River, or somewhere in the vicinity. The vessel was never again heard of. It is possible that the records of La Salle's explorations of 1669 and the year following were lost with this vessel, accounting for the dearth of authentic information concerning his first voyage to the Southwest and his exploration of the Ohio. From Green Bay La Salle returned by a fleet of canoes to the east side of the Lake, and, entering the St. Joseph River, constructed on the south bank of the stream a fort which he called Miami. Later, ascending the St. Joseph and crossing over the portage to the headwaters of the Kankakee, he descended that stream to the Illinois, thence sailed down the Illinois to Peoria Lake, where in 1680 he constructed Fort Crevecoeur, — Broken Heart (so named because of the loss of the *Griffon*). He spent the winter

there, waiting the expected arrival of the *Griffon*, intending to continue his voyage to the Mississippi. But the vessel failing to put in its appearance, he was forced to return to Fort Frontenac, a thousand miles distant. Retracing his steps later in the year, he found Fort Crevecoeur destroyed by the Indians, first having been deserted by the small garrison left in charge, and he was forced to turn back and seek shelter at Fort Miami, on the St. Joseph.

Late in the season of 1681 La Salle again made his way to the Illinois River and sailed down that stream to the Mississippi. Continuing his voyage he reached the Gulf of Mexico in 1682, and going upon the shore took possession of the entire country in the name of Louis XIV. He called it Louisiana, in honor of his king. The territory comprised within what is now Indiana was a part of Louisiana.

While La Salle was not the first to discover the Mississippi, that honor belonging to Joliet and Marquette (1673), he was nevertheless one of the most intrepid of all the early French explorers. He died at the hands of assassins in 1687.

Though La Salle carried on an extensive and profitable trade with the Indians, especially along the Wabash and Ohio rivers, he established no post or settlement within the present territorial limits of Indiana. His principal post was at Fort St. Louis, on the south side of the Illinois River, opposite the present town of Utica. To this place he induced practically all the Indians in Indiana to remove in 1682, and form an alliance for mutual protection against the Iroquois, who were making war upon the tribes. The Iroquois were also unfriendly to La Salle, refused to trade with him, and had threatened him with death. The tribes forming the alliance straggled back into Indiana between the years 1702 and 1712.

Visits of the French Missionaries. Beginning with the years of La Salle's later explorations, Indiana was visited by many zealous French missionaries, seeking to convert the Indians to the Christian religion. Through their fearless and self-sacrificing activities, and the restless enterprise of the *coureurs de bois* (wood rangers), hunters, and trappers, no part of the country remained long unexplored. The missionaries Allouez and Dablon, whose principal activities were around Green Bay, Wisconsin, visited the Indians, near the southern shores of Lake Michigan, in 1672. Many others came between that date and 1712. The traders followed ever in the wake of the missionaries, sometimes moving in advance of them, and bartered with the Indians for their furs, and sold them bad whisky. This made the work of the missionaries very difficult, sometimes seeming to nullify it altogether.¹

¹ The pious Jesuits held up the cross of Christ and unfolded the mysteries of the Catholic religion in broken Indian to these astonished savages, while the speculating traders offered them fire water and other articles of merchandise in exchange for their peltries, and the rangers (*coureurs de bois*), shaking loose every tie of blood and kindred, identified themselves with the savages, and sank into utter barbarism. The Jesuit missionaries were always cordially received by the Miami tribes. These Indians would listen patiently to the strange story of the Savior and salvation, manifest a willing belief in all they heard, and then, as if to entertain their visitors in return, they would tell them the story of their own simple faith in the Manitous, and stalk away with a groan of dissatisfaction because the missionaries would not accept their story with equal courtesy. — *Goodrich*.

CHAPTER IV

EARLY SETTLEMENTS

Miamis, Ouiatenon, and Vincennes. The first adventurous spirits who invaded the soil of Indiana for the purposes of trade or commercial pursuits, or for the establishment of homes, were not impressed with the importance of keeping records or dates of their movements, and early French military records were about as deficient. Hence we are not able to say positively where or when the first military or permanent trading post was established, or when the first actual settlement was made.

It is certain that the old Piankashaw village (Chipkawkay), that stood on the site of the present city of Vincennes; the Wea village (Ouiatenon), on the upper Wabash, near the place where Post Ouiatenon was later constructed; and the Twightwee, or Miami village (Kekionga), where the city of Fort Wayne now stands, were visited by missionaries and traders "at a very early period of the eighteenth century — perhaps as early as 1702."¹

The date of the establishment of the post at Vincennes, especially, has long been a subject of controversy. One writer names the year 1702, and a tablet bearing that date adorns the front of the Knox County courthouse. It is almost certainly an error, however, arising, it is thought, from the similarity of the name of a fort (St. Vincent) established by M. de Juchereau in 1702 at the mouth of the Ohio, and the further fact that the early writers and ex-

¹ Dillon.

plorers frequently confused the names of the Ohio and Wabash rivers — applying the name *Ouabache* both to the Wabash and the lower Ohio.

Other writers and investigators, relying upon different sources of information and proceeding by various methods of reasoning, have fixed the establishment of the post in other years, ranging all the way from 1680 to 1735. The Indiana Historical Society, taking up the matter within recent years, was fortunate enough to secure, through the coöperation of Consul General John K. Gowdy, certain documents from the French archives at Paris, throwing important light upon the question. Among the documents were two letters written in 1733 by Commandant Sieur de Vincennes himself, in which he discloses certain information pointing beyond a reasonable doubt to the establishment of the post as having taken place in the summer of 1731. This, unless new and more important discoveries of a contradictory nature are made, is likely to be accepted as the final word upon the subject.¹

And after a careful sifting of all available evidence, competent authorities have adopted the year 1720 as the most probable date of the establishment of Ouiatenon, and accord to it the honor of being the oldest outpost of civilization in the state. Sieur Dubuisson was designated to the command of Post Ouiatenon late in the year 1719, but the language of M. de Vaudreuil, Commandant at Detroit, in announcing the fact, leaves it a little uncertain whether he was sent to take charge of a post already in existence or was expected to establish a new one. The view that he established the post the following year (1720) is generally accepted. No record of an earlier occupancy can be found.

¹ Reference: Proceedings Indiana Historical Society, Vol. 3.

The commandant was also burdened with the duty of securing, if possible, a removal of the Miami, Ouiatenon, and other Indian tribes to the vicinity of the St. Joseph River, where they would be less exposed to British influence. The superior abilities and great influence of *Sieur de Vincennes* were being employed in this task when he died suddenly at the Miami village of *Kekionga*, in 1719. *Dubuisson* did not remain long in charge of Ouiatenon, but was succeeded by *Francis Margane*, a nephew of *Sieur de Vincennes*, who succeeded to his deceased uncle's title, and later acquired a large measure of his influence.

The date when Post *Miamis*, at the head of the *Maumee*, was established, is more uncertain. It doubtless followed soon after Ouiatenon, and some say it antedated Ouiatenon. Authentic information is lacking. This post should not be confused with Fort *Miami*, established by *La Salle* near the mouth of the St. Joseph of the Lake, in 1679.

Miamis and Ouiatenon were controlled from Canada, although the *Mississippi Company*, holding the French concession for Louisiana, claimed the territory now comprising Indiana as a part of the District of Illinois. The boundary line between the two jurisdictions was finally located in the vicinity of where the city of *Terre Haute* now stands. The provincial seat of government for *Miamis* and Ouiatenon was at *Detroit*. *Vincennes* was controlled from Fort *Chartres*, District of Illinois.¹ *New Orleans* was the capital of

¹ Fort *Chartres*, the seat of government of the "District of Illinois," Province of Louisiana, was founded in 1720. It was partially destroyed by a flood in the *Mississippi* in 1772, and abandoned, the garrison being removed to Fort *Gage*, near *Kaskaskia*. This was during the British occupancy, the French having ceded the territory in 1763. It has been referred to as the first capital of Indiana, but the statement is not strictly accurate. Governmental authority was first exercised over Indiana soil from *Detroit*, of the Province of Canada, in 1720, when Post Ouiatenon was established.

the province. There was thus a rivalry, and some jealousy, between the two French jurisdictions. The directors of the Mississippi Company, by offering him superior inducements, persuaded Sieur de Vincennes to resign the command of Post Ouiatenon and transfer his allegiance to the Province of Louisiana. There was an urgent call for the establishment of a post farther down on the Ouabache (Wabash), to hold the trade with the Indians, and protect French sovereignty against the encroachments of the English, which every day grew more menacing. So about the year 1731, as stated, Vincennes proceeded to build a little palisade fort at the Piankashaw town of Chippecoke, or Chipkawkay. He assumed command, and remained in charge until 1736, when he was killed in a battle with the Indians.

This post was not known by the name of Vincennes until about the year 1752. Before that it was simply "The Post," "Old Post" (*au post*) or "Opost," as it later came to be called by the Americans.

Death of "Indiana's First Ruler." The battle in which Vincennes lost his life was one waged against the Chickasaw Indians, at the mouth of the Ohio. D'Artaguiette, commandant at Fort Chartres, was in charge of the campaign. Vincennes came to his assistance with the little garrison he had at his disposal at Post Vincennes. The French made an attack on the Chickasaw village, not knowing that a large body of braves, and a few Englishmen, were in hiding a short distance away. These delivered their counter attack sud-

Fort Chartres was founded the same year, and Indiana was later divided between the jurisdictions of Louisiana and Canada, but Vincennes, the first and only Indiana settlement under the Louisiana jurisdiction, was not established until 1731. So Detroit may easily claim a division of honors with Fort Chartres as Indiana's first capital, if indeed it is not entitled to distinct priority.

denly, and the French were overwhelmed with dreadful slaughter. Lieutenant St. Ange, of Fort Chartres, fell an early victim and Vincennes soon followed. D'Artaguiette and a number of others were captured and burned at the stake. "Charlevoix tells us that 'Vincennes ceased not until his last breath to exhort the men to behave worthy of their religion and their country.' Be that his epitaph; and be it a matter of pride to Indiana that her first ruler was so brave a man and so true."¹

End of French Sovereignty; Britain's Brief Sway. Vincennes was succeeded in the command of Post Vincennes by Louis St. Ange, a brother of Lieutenant St. Ange, who lost his life in the battle just narrated. His occupancy continued from 1736 until he was transferred to Fort Chartres in 1764, the next year after the conclusion of a treaty ceding the territory to England.

Although the posts had been surrendered to them and were at their disposal, the English were unable to take possession, largely on account of the hostile attitude of the Indians, preventing the approach of the English officers. The French were thus left in charge. N. de Villiers, commandant at Fort Chartres, voluntarily quit that post in the spring of 1764, and it was to relieve him that St. Ange left Post Vincennes. Before going, he transferred his authority at Vincennes to M. Deroit de Richardville, and Sieur le Caindre. There is no record, however, that these gentlemen ever exercised the authority conferred, or that government of any kind existed at Vincennes from the departure of St. Ange in 1764 until Lieutenant Governor Abbott came from Detroit to take charge in 1777 — unless we except the ministrations of M. Nicholas, who was "employed as Justice

¹ J. P. Dunn.

of the Peace there, by some authority from the commanding officer at the Illinois."¹

Indiana nominally passed under British control October 10, 1765, on which date Louis St. Ange surrendered Fort Chartres, capital of the District of Illinois, Province of Louisiana, to Captain Sterling, of the British Army.

In 1774, or nine years later, the territory northwest of the Ohio became a part of the Province of Quebec, and arrangement was made that the Lieutenant Governor of Detroit should be "Superintendent of Vincennes." Accordingly Lieutenant Governor Abbott arrived to take charge in May, 1777.² He was recalled early the next year and succeeded by Lieutenant Governor Hamilton, who in turn found it expedient shortly afterwards to relinquish his official responsibilities to George Rogers Clark, a Virginian.

Character and Value of Trade at the French Posts; the Centennial Census. Posts Miamis and Ouiatenon early became important trading centers, and in time a number of white families made their homes about them, but the growth

¹ In addition to the exercise of the duties of Justice of the Peace by M. Nicholas, the records show that there were a few concessions of land from 1770 to 1773, signed by Ste. Marie, and two in 1768, one signed by Chaparlee and the other by Chapard, apparently the same person.

² In his report to Governor Carleton, Lieutenant Governor Abbott wrote of the condition of affairs at Vincennes: "Since the conquest of Canada no person bearing his majesty's commission has been to take possession; from this your excellency may easily imagine what anarchy reigns. I must do the inhabitants justice for the respectful reception I met with, and for their readiness in obeying the orders I thought necessary to issue. The Wabache is perhaps one of the finest rivers in the world; on its banks are several Indian towns; the most considerable is the Oujii (Wea), where, it is said, there are one thousand men capable to bear arms. I found them so numerous and needy I could not pass without great expense. The presents, though very large, were in a manner despised, saying their Ancient Fathers (the French) never spoke to them without a barn full of goods; having no troops and only a handful of French, obliged me to acquiesce in part of their exorbitant demands."

of Vincennes was more rapid, and for many reasons it leads the other two settlements in historic interest.

Although under the jurisdiction of New Orleans, the trade of Vincennes was principally with Canada. It consisted almost wholly in peltries bought of the Indians or gathered by white hunters from the settlement. These were transported by canoe or pirogue up the Wabash and Little Wabash rivers, thence carried across the portage to the Maumee, where they were again loaded into boats and taken down the Maumee and across Lake Erie to Canada, there to be sold or exchanged. Detroit was the principal point of distribution. Later, products raised by the settlers on the land donated to the post by the Indians were placed in boats and floated down the Wabash to the Ohio, thence to the Mississippi and to New Orleans.¹

The value of the fur trade at Vincennes for the year 1778 was estimated at five thousand pounds sterling, or over \$24,000, and at Ouiatenon, eight thousand pounds sterling, or nearly \$39,000. According to the records of the custom-house at Quebec, the value of furs and peltries exported from Canada during the year 1786 was 225,977 pounds sterling, a sum equal to \$1,098,248. The great value of the fur traffic in those early years is thus apparent.

In 1769, curiously enough just one hundred years after La Salle first cast his eyes upon our territory, a census was taken of the French settlements. It showed a French population at Vincennes of two hundred sixty-six, consist-

¹ The grant referred to was made by the Piankashaw Indians in 1742, and consisted of twenty-four leagues square of land. It was intended, and generally treated, as a grant for the benefit of the people of the post, in common, but the early commandants assumed the power of making concessions from it to individuals. The usage was continued until the time of the American occupation, when the action of the first organized court was repudiated by Congress, and the practice broken up.

ing of sixty-six heads of families, fifty women and one hundred fifty children. At Ouiatenon there were twelve families, and at Fort Miamis, nine. So the total French population of the territory a century after its discovery did not exceed three hundred and fifty souls. Nor was there any appreciable growth for the next two decades, for the white population of what is now Indiana was estimated to be only about four hundred at the time of the adoption of the Ordinance of 1787.

In Vincennes a majority of the people were supported by agriculture; at Ouiatenon and Miamis, by trading in peltries and furs.

Glimpses at Early Vincennes. C. F. Volney, a distinguished French traveler who visited Vincennes in 1796, reflected in an interesting way the estimation in which the French inhabitants were held by the later arrivals from the English colonies to the east: "We must allow, say they, that they are a kind, hospitable, sociable sect; but then for idleness and ignorance they beat the Indians themselves. They know nothing at all of our civil or domestic affairs. Their women neither sew, nor spin, nor make butter. The men take to nothing but hunting, fishing, roaming through the woods and loitering in the sun. They do not lay up, as we do, for winter, or provide for a rainy day. They do not cure pork or venison, make sauerkraut or spruce beer, or distill spirits from apples or rye — all needful arts to the farmer."

At this time the town contained about fifty dwelling houses, each "surrounded by a garden fenced with poles. Peach trees, and inferior kinds of apple trees grew in many of the inclosures. Many different kinds of garden vegetables were cultivated by the inhabitants, and corn, tobacco,

wheat, barley, and even cotton grew in the fields around the village."

"The social condition of the early French settlers on the borders of the river Wabash," observes John B. Dillon, the premier historian of early Indiana, "was formed in some measure by the influence of the manners and customs which prevailed among the Indian tribes with whom they maintained a friendly intercourse. While the barbarism of the Indians was, in some degree, softened by this intercourse, the morals of the French were not improved. The pioneer Frenchmen readily adopted the business of the traders, boatmen, and hunters; but they made no efforts to become either learned in letters, or skillful in agricultural pursuits, or ingenious in the practice of mechanic arts. Dancing, running footraces, jumping, wrestling, and shooting at marks, were among their favorite amusements. Their mode of observing religious duties did not impose on them any heavy burdens. Their manners and customs carried them above a condition of barbarism, but left them below a state of true civilization."

The only school maintained for the benefit of the children of the early French inhabitants was that opened in 1793 by M. Rivet, a "polite, well-educated and liberal-minded missionary, banished hither by the French Revolution." Students could attend this school only upon payment of tuition, and its facilities accordingly were open to but few. It was the first school in Indiana.

The first permanent mission, or church in Indiana, was that opened at Vincennes in 1749 by the missionary Sebast. Lud. Meurin, and it is said to have remained the only church in the state for a half-century. William H. Smith, in his *History of Indiana*, relates that the first Protestant sermon

preached in Indiana was at Vincennes in the year 1810, by the Rev. William Winans, a young minister of the Methodist denomination. His audience consisted of General William Henry Harrison, then Governor of the Territory, and a young army lieutenant. General Harrison held the solitary candle provided for the occasion, while the minister read his scripture lesson and his hymns.

Nicholas's Conspiracy and Early Indian Troubles; Destruction of Pickawillany. The French settlers as a rule got on amicably with the Indians, and until 1747 there was but one episode that promised serious consequences. In 1733 an affray occurred "between some drunken young Ouiatenons and two or three French voyageurs, in an affair of trade," and steps were taken to launch a military expedition against the offending Indians. The matter was adjusted, however, before any blows were exchanged.

In 1747 Fort Miamis was captured and burned by a company of Huron Indians from Ohio, aided by members of the Miami, Ottawa, and Potawatami tribes of Indiana and Michigan. This act of hostility was a result of the "Nicholas Conspiracy," formed by Chief Nicholas, or Sandoskit, of the Hurons, living in the vicinity of Sandusky Bay, in what is now the state of Ohio. The object of the conspiracy was to exterminate the French settlers in America, and the British were charged with having a hand in its instigation. It was discovered in its early stages, and thwarted, largely through the efforts of Commandant Longueuil, of Detroit. Eight men were captured when Fort Miamis was taken, but they were soon afterwards released, and the Indians, or most of them, agreed to terms of peace. The fort was rebuilt by Sieur Dubuisson shortly after its destruction.

The Miami Chief, La Demoselle, however, and a few other Indians, were unreconciled. They held aloof from the French, and during the year 1748 entered into an alliance with the British. The disaffection spread gradually among the Ouatensons and Piankashaws, the British putting forth their best efforts to promote it. The rivalry between the French and English in the fur trade had by this time grown very keen.

It is related that Cavalier Celoron de Bienville, returning from his celebrated mission in 1749 of staking off the French claim to the Ohio valley, by means of leaden plates buried at the mouths of streams, and tin plates nailed on trees, held a conference with La Demoselle, and secured a promise from him to return to his old village of Kishkakon, and live at peace with his French brothers as of old. He afterwards met Chief Coldfoot, and, in exuberant spirit, recounted to him the results of the interview, which he regarded as a happy termination of the Indian troubles. Coldfoot, who was both sagacious and loyal, replied: "I would that I were deceived, but I am sufficiently attached to the French to tell them that La Demoselle lies. My sole regret is to be the only one who loves you, and to see all the tribes to the south drawn away from the French." Subsequent events fully vindicated Coldfoot's judgment. Instead of returning to the French La Demoselle continued to fraternize with the English, and in 1750 gave them permission to build a fort at the town of Pickawillany, on the Big Miami River.

In the fall of 1751 the Indians under the influence of La Demoselle, and the British, who now made their headquarters at Pickawillany, killed four Frenchmen and a couple of slaves. Later in the year five more Frenchmen were killed, while a number of friendly Indians also fell victims to the savage hatred of their dusky kinsmen.

No longer hoping for a reconciliation with the disaffected Indians, and being thoroughly aroused by these outrages, the French at Vincennes and on the Maumee determined to attack and destroy the Indian town of Pickawillany. Accordingly a surprise was planned, and on the twenty-first of June, 1752, a force of two hundred and forty French and friendly Indians marched against the place. Upon their approach the inhabitants took refuge in the fort, to which siege was laid, after the village had been destroyed. The fort not being provisioned, or otherwise prepared to withstand a siege, the proposition of the attacking force to withdraw without further damage if the English in the fort were surrendered to them was acceded to. Accordingly the English were surrendered, with the exception of two, who were kept concealed. One of the prisoners was slain in sight of the fort, and the Indians of the party further indulged their savage instincts by roasting and eating an old Piankashaw chief taken with the English, who had been so notoriously friendly to them as to be known as "Old Britain."

This act of vengeance against Pickawillany put an end to Indian depredations for the time being, but even at that the sky was far from cloudless, for the shadow of the approaching conflict between the French and the English for mastery grew darker day by day.

CHAPTER V

SAXON VERSUS GAUL

The French and Indian War; Influences Leading to the Conflict. While the interesting events just narrated were taking place in the territory northwest of the Ohio, broader influences were at work here and elsewhere, which were to decide the fate of the continent. The English had settled the Atlantic coast, and a growing population was straining at the barriers for expansion westward beyond the mountains. The English settlements consisted of the thirteen colonies, which later fought for and won their political independence and became the original thirteen states of the American Union. The colonists were essentially home seekers and home builders. They settled in communities, acquired property interests, and became a homogeneous population, capable of acting together for a common or public interest. In this they enjoyed an overwhelming advantage over the French in the struggle for the great country both so ardently coveted. The French were less successful as colonizers, and less inclined to come in numbers from the mother country. Many of those who did come had little idea of forming permanent settlements and making their homes in the new world. They were hunters, traders; adventurers, and missionaries. They made friends with the Indians, partaking of their modes of life and even marrying among them. This explains the fact that in the strifes between the English and the French the latter generally had the help of the Indians.

The French in Canada and in the Mississippi Valley. While the English held the Atlantic coast from Florida to Maine, the French, since about the year 1605, were in undisputed control of Canada. And from Canada their traders and missionaries had entered what is now the western and middle United States. Marquette and Joliet in 1673, and La Salle in 1682, explored the upper Mississippi River, and La Salle explored the Ohio in 1669. Beginning about the year 1700 settlements were made at the mouth of the Mississippi and on the Gulf coast, and New Orleans was founded in 1718. The French design plainly was to fortify their claim to sovereignty in all the vast country known as the Mississippi valley, and confine the English settlements forever to the narrow strip of coast country bounded on the west by the Appalachian Mountains. They established a system of well-placed forts throughout the territory reaching southward from Quebec to New Orleans. Their plans were ingenious and comprehensive, but lack of a homogeneous French population to meet the united English settlements in trade competition and in the wilderness battles to follow was their fatal weakness. The English population at the beginning of the French and Indian War was not far from a million and a quarter of souls, while the population of all New France did not exceed one hundred thousand. Less than ten thousand of these were in the Mississippi valley. The white population of the territory northwest of the Ohio did not exceed two thousand.

England's first permanent settlement in America was at Jamestown, in 1607. France planted her first small colony at Port Royal, in 1605. Quebec was founded in 1608. From this time until 1763, or more than a century and a

half, England and France fought out their New World rivalries for territory and commerce and trade.

It was in furtherance of their plan to hold the Mississippi valley against the English, and incidentally to protect the trade being built up between Canada and Louisiana, following the route by way of the Maumee, Wabash, Ohio, and Mississippi rivers, that the posts at Ouiatenon, Vincennes, and Miamis, in the territory now comprised within the state of Indiana, were established.

In their claim to sovereignty over the Ohio valley the French laid particular stress upon the discovery and exploration of the Ohio River by La Salle in 1669, and the later explorations of the Mississippi by La Salle and others. The English based their claim principally upon the exploration of the Kanawha in 1671 and a treaty of session by the Iroquois Indians in 1744. The Iroquois claimed all the great region north of the Ohio River, and westward, by reason of alleged conquests over the other Indian tribes.

The War Begins; its Principal Events. The French and Indian War, which was the fourth struggle fought out between England and France and their colonists in America, was formally declared in 1756, although hostilities really began in 1754.¹ In that year the French drove away the English workmen who were building a fort on the site where Pittsburg, Pennsylvania, now stands, completing the fort themselves and calling it Fort Duquesne. In an attempt to retake this fort, George Washington, then a mere youth, leading a little band of four hundred men, was forced to surrender (July 4, 1754). Regular troops were shipped from

¹ The three wars preceding the French and Indian War were: King William's War, 1689-1697; Queen Anne's War, 1702-1713; King George's War, 1744-1748.

the mother countries to prosecute the war, and the French, as in other contests, had the Indians for allies.

Important incidents in the war were Braddock's defeat in 1755 while trying to take Fort Duquesne; the capture of this fort in 1758 by the English and the colonists, and its rechristening as Fort Pitt; the capture by the English of Ticonderoga in 1759, completing the practical expulsion of the French from what is now the United States; the famous victory in 1759 of Wolfe over Montcalm, on the Plains of Abraham, resulting in the capture of Quebec by the English. This completed the conquest of Canada, and the dream of a great French empire in America was shattered. Spain having joined the French as an ally, the English, aided by the colonists, now captured Havana, Cuba.

The Treaty of Paris; France and Spain Give Up Dominions in America. The treaty of peace signed at Paris in 1763 restored Havana to Spain in exchange for Florida, which then became English. France retired from North America, ceding all her claims west of the Mississippi and a small portion of territory east of the river, which surrounds New Orleans, to Spain; and to England she surrendered all the remainder of the continent east of the Mississippi River.

Subsequent History of Louisiana Territory. The cession of Louisiana Territory had, in reality, taken place in 1762, as the result of a secret treaty between France and Spain. Spain continued in possession until 1801, when she was compelled to cede it back to France. France, in turn, in the year 1803, ceded it to the United States for a consideration of \$15,000,000. At the beginning of negotiations the United States had little thought of taking over the whole territory, but through her commissioners to Napoleon, who was then in charge of the destinies of France, was prepared

to offer as much as \$10,000,000 for New Orleans alone, since possession of that city by any country meant control of the navigation of the Mississippi. Napoleon expressed a willingness to sell the whole territory, and, strict constructionist though he was, President Thomas Jefferson could not see his way clear to let so great a bargain pass. The territory contained approximately 1,172,000 square miles, and by its acquisition our national domain was doubled.

English Take Possession of Forts in Indiana. The English took possession of forts Miamis and Ouiatenon in 1761, soon after the conquest of Canada. Vincennes, being under the jurisdiction of New Orleans, did not become subject to British control until after the treaty of Paris in 1763, and actual possession was not assumed until 1777, a year after the Declaration of Independence. And the British occupation was of brief duration, for in August, 1778, while Lieutenant Governor Hamilton, who had succeeded Abbott, was away from the post, it was captured by Captain Leonard Helm, who had been sent on a mission for that purpose by General George Rogers Clark. Helm was compelled to surrender it again to the British in December of the same year, but Clark retook it in the following February, and the post, along with the vast country it defended, was lost to England and to monarchical government forever. The dramatic events attending the conquest are related fully in the next chapter.

Settlers at Vincennes threatened with Expulsion. The colonial policy adopted by Great Britain following the French and Indian War was openly designed to prevent the extension of white settlements into the region west of the Appalachians, and reflected the haunting fear, even at that time, of the upbuilding in the West of a great new country

imbued with the spirit of independence. The king issued a proclamation prohibiting his subjects from "making any purchases or settlements whatever or taking possession of any of the lands beyond the source of any of the rivers which fall into the Atlantic Ocean from the west or northwest." And in 1772 General Gage, the British commandant in America, issued a proclamation declaring that many persons, contrary to the orders of the king, had undertaken to make settlements beyond the boundaries fixed by the treaties made with the Indian nations, and that a great number of persons had established themselves, "particularly on the Ouabache (Wabash), where they lead a wandering life, without government and without laws, interrupting the free course of trade, destroying the game, and causing infinite disturbance in the country." Orders were therefore given in the name of the king to all of those who had established themselves on lands upon the Ouabache, "whether at St. Vincent (Vincennes) or elsewhere, to quit those countries instantly and without delay." To this the inhabitants of Vincennes replied, setting forth that they held their possessions by "sacred titles" granted by his Most Christian Majesty, and that the French settlement at Vincennes was of "seventy years standing." General Gage made rejoinder demanding the proof of their titles, which few could give, as deeds or records had not been kept, but no further steps were taken looking to their ejection. The matter was dropped as the result of a new policy adopted in England, designed to enlist the sympathies of the French settlers with the Mother Country as against the English colonists, in the struggle for independence, which was now close at hand.

Pontiac's Conspiracy and Other Indian Troubles; Causes for Indian Resentment. The wholesale transfer of their

lands from one European power to another without so much as saying by your leave, was looked upon with suspicion and resentment by the Indians. Besides, they especially disliked the English, for their methods of clearing up the land and extending settlements, crowding the Indians back stage by stage in front of their ever advancing frontiers, were well known to the Indians, and were contrasted unfavorably by them with the habits of the French in refraining from such encroachments. The French did very little in the way of extending their settlements, and they traded and otherwise associated with the Indians on much more equal and familiar terms than the English ever did. Then the French, not being themselves overburdened with love for the English, because of commercial and political rivalries in which they usually got the worst of it, cultivated the Indians' mistrust and general spirit of hostility toward the English in every way possible.

The Fated Nine. These deep-seated prejudices, aided by the incitement of the French, made it comparatively easy for Pontiac, the celebrated Ottawa chief, to form the great Indian uprising of 1763, known as Pontiac's conspiracy. The plot was conceived in 1762, and carefully and cunningly planned for a year in advance.¹ Pontiac succeeded in unit-

¹ Following the fall of Quebec in 1759, the French agreed to surrender all of Canada to the British. Accordingly, Major Robert Rogers was dispatched the next year with a small body of men to take possession of Detroit. Being apprised of Rogers' advance, Pontiac met him on the way and demanded to know of him how he dared invade that country without first securing his (Pontiac's) permission. Rogers assured him in reply that no hostile intentions were treasured against the Indians; that the purpose of the expedition, in fact, was merely to remove the French who had prevented the Indians and the English from being good friends. Pontiac accepted the presents tendered with this polite speech, but added laconically, "I shall stand till morning in the path you are walking." The English well understood the warning, and discreetly awaited the great chief's permission before proceeding further. The next day another conference was held, as a result

ing in the conspiracy practically all the tribes of the great Algonquian family and the Senecas and Wyandots, and others. The aim was to capture and destroy all the English forts west of the Appalachians, eleven in number; and so near to complete success did they come that only two escaped. These were forts Pitt and Detroit. Ouiatenon and Miamis were the only two posts in Indiana held by the English at that time, and they were both taken, the former on June 1, 1763, and the latter a short time afterwards. Each was taken by stratagem. No lives were lost at Ouiatenon, the garrison being made prisoners of war, but Ensign Holmes and a Sergeant were slain at Miamis, and the rest of the garrison made prisoners. Those captured in either instance were fortunate to escape massacre, for at other places little mercy was shown. The forts taken were referred to afterward as the "fated nine."

The war lasted until late in the year 1764, when the Indians were compelled to make peace, and the English again took possession of the posts that had been captured.

LaBalme Raids Fort and is Massacred. In 1780 a Frenchman named LaBalme organized a small company of followers at Kaskaskia and Vincennes and, marching upon Fort Miamis, then held by the British, surprised and captured it. After destroying considerable property and committing depredations against the traders around the post, he moved out a short distance and went into camp. That night the Indians attacked the camp, killing LaBalme and several of his men.

of which the English were not only allowed to proceed with a promise of protection, but Pontiac himself accompanied them. But he seems to have forgotten his professions of friendship soon afterwards.

Pontiac died the victim of assassination in 1767, and Louis St. Ange, who had been French Commandant at Vincennes and at Fort Chartres successively, buried him near the fort at St. Louis with the honors of war.

Death of Colonel Loughrey. In 1781 Colonel Archibald Loughrey (or Lochry), in command of a company of about one hundred Pennsylvania volunteers, on his way down the Ohio to join General George Rogers Clark in his proposed expedition against Detroit, was surprised by the Indians at the mouth of what is now known as Loughrey Creek, in Dearborn County, and about half of his men were killed. He himself was taken prisoner, and was killed and scalped shortly afterwards.

CHAPTER VI

THE WAR FOR INDEPENDENCE

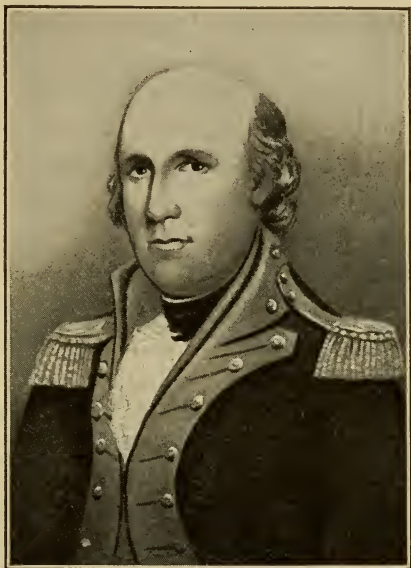
Tyranny Leads to Resistance by the Colonies; Opening and Closing Events. The French and Indian War is looked upon by historians as a sort of prelude to the war of the American Revolution. In the former contest the English colonists fought side by side with the British regulars, and the experience and military training acquired by them were used to excellent advantage in their struggle for independence so soon to follow. They possessed a greater skill in the kind of warfare practiced by the French and Indians than did their proud British cousins, who disdained to listen to their advice or suggestions, and more than once came to grief because of their arrogance. Naturally confidence in their own ability to cope with British arms rose with their ripening contempt for British stupidity and bumptiousness.

A persistent policy of tyranny upon the part of the British crown led to armed resistance by the colonists, and finally to the Declaration of Independence, which was proclaimed July 4, 1776. The war in reality began April 19, 1775, with the battles of Lexington and Concord.

The struggle was a long and bitter one, culminating in victory for the colonists, and the establishment of the government of which we are so proud to own citizenship. The end of the war came with the surrender of Lord Cornwallis at Yorktown, Virginia, October 19, 1781, and a treaty of peace acknowledging American independence was concluded September 3, 1783.

Far-reaching Importance of Clark's Capture of Vincennes.

One of the heroic deeds of this war was performed in what is now Indiana, and the consequences were of far-reaching importance. We refer to the capture of Vincennes by General George Rogers Clark and his intrepid band of Kentucky followers. By virtue of this capture, and that at Kaskaskia, the United States was enabled to make successful claim to all that vast territory northwest of the Ohio River from the Appalachian Mountains to the Mississippi.



GENERAL CLARK

What this meant by way of added wealth and power and prestige, to the American government and its institutions, was probably beyond the realization of the people of that time. Out of the territory thus wrested from England the states of Ohio, Indiana, Illinois, Wisconsin, and Michigan were formed, and by the removal of the barrier of a strip of alien territory between the government and the Mississippi, the way was paved for the subsequent purchase of Louisiana Territory from France, and the acquisitions from Mexico, which extended our national domain to the Pacific Ocean.

General Clark conceived the idea of capturing Vincennes,

Kaskaskia, and Detroit principally as a means of putting a stop to Indian depredations into Kentucky, not realizing himself the great significance of the task he was about to undertake. The Indian outrages were being incited by British officers at the posts north of the Ohio to harass Virginia, of which state Kentucky was a part. Clark visited Governor Patrick Henry at Williamsburg, Virginia, and laid his plans before him, with the result that he was given a commission to raise seven companies of volunteers of fifty-nine men each, with which to capture the British posts named. His real mission was not made public, however, and when raising his little army of volunteers it was given out that their services were to be employed against the Indians only.

The "Army" Moves Forward; Kaskaskia Taken; Captain Helm at Vincennes. Of the men finally enlisted only two hundred appeared at the rendezvous at Corn Island, which is an island in the Ohio River opposite where the city of Louisville now stands, and about a fourth of these refused to proceed farther when the real object of the expedition was made known to them. It was in truth a perilous expedition, into an unknown country, against an enemy of unknown power. But Clark was undaunted, and having succeeded in arousing the enthusiasm of the one hundred and fifty-three brave fellows who remained, he set out with his "army" by boats on June 24, 1778. The start was made "at the very moment of the sun being in a great eclipse, which caused various conjectures among the superstitious." Four days down the Ohio brought them to the mouth of the Tennessee, where they disembarked and began their march of one hundred and twenty miles through wilderness and swamps to Kaskaskia. Arriving opposite Fort Gage on

the night of July 4, they secured boats, crossed over, took the place by surprise, and captured it.¹ The French settlers, who at first were greatly excited, were quickly reassured, and induced to subscribe to an oath of allegiance to Virginia. Father Gibault, a Catholic priest, volunteered to go to Vincennes with a view of inducing the French settlers there to espouse the American cause. The mission of course was undertaken upon the suggestion of General Clark, who desired to learn the real conditions at the Wabash settlement. Upon his arrival Gibault found the British absent and no garrison at the fort. Becoming active among the settlers, he induced them to swear allegiance, and by telling the Indians that their great French Father, who had always been so kind to them, was now a friend of the Americans, persuaded them also to smoke the pipe of peace. Receiving this good news, General Clark sent Captain Leonard Helm, about the middle of August, 1778, to take possession of the fort and make treaties of friendship and alliance with the Indians, particularly the Piankashaws, living at and around the post. The head chief of the Piankashaws was named Tabac. His father had borne the same name, and he was therefore known as Young Tabac, or "Tobacco's Son." His tribe lived nearest the mouth of the Wabash, and commanded its navigation. Hence the chief bore the additional title of the Grand Door of the Wabash. After several days of ceremonious negotiation and a thorough explanation of the causes of war between the British and the Americans, Tabac announced his belief

¹ It is related that a dance was in progress at the fort when General Clark entered it unannounced. As soon as his presence became known an alarm was given, and the dancers prepared to disperse. "Keep on with your merriment," Clark is said to have shouted reassuringly, "but remember that you now dance under the authority of Virginia and not Great Britain."

that the latter were in the right, and that he would thenceforth ally himself with the "Big Knives" and become one of them. Other tribes followed his example, some of the chiefs traveling as far as five hundred miles to conclude treaties with General Clark. This splendid success in securing the friendship of the Indians was not only a monument to the diplomacy of Clark and Helm, but it proved of inestimable value to the American cause generally.

Captain Helm Caught by the British and Vincennes Retaken. Colonel Henry Hamilton, lieutenant governor of Detroit, being apprised of these acts of American audacity, raised a force of five hundred militia and Indians and started out with the purpose not only of retaking Vincennes but of capturing General Clark and his force at Kaskaskia. He arrived almost within sight of Vincennes in December, 1778, before his approach was discovered. But when Captain Helm became aware of his proximity he immediately garrisoned the fort, his entire command consisting of one brave-hearted, able-bodied American. Together Helm and his man loaded up the cannon and waited for the battle to begin. Hamilton demanded an immediate surrender, but Helm replied that he must know the terms first, and until they were announced no man should approach the fort on pain of being riddled with shot. Thinking such brave words could come only from a man well able to back them up with deeds, Hamilton offered him the honors of war. Thereupon Helm surrendered, and the British flag was once more hoisted over the fort. Hamilton is said to have felt very foolish when he saw the size of the garrison that had been able to exact from him such favorable terms of capitulation.

Capture and Release of Francis Vigo and How He Kept His Oath. The next day after Vincennes had fallen into

the hands of the British, Francis Vigo arrived, having come from Kaskaskia at the request of General Clark to supply Captain Helm with provisions. Knowing nothing of the events of the previous day, he fell into the hands of the British and was captured. Vigo was a wealthy merchant of St. Louis, and a native of Sardinia, but he had served in the Spanish army. His trip to Vincennes was at his own expense, he being prompted by his interest in the daring enterprise of General Clark and his handful of brave Kentucky backwoodsmen, as well as by his hatred of the British. He demanded to be released, claiming Spanish citizenship, but Hamilton only replied by threatening to put him in irons. Finally Father Gibault, at the head of a large delegation of the settlers, waited on Hamilton and threatened to withhold any further supplies from the garrison if Vigo were not released. So, exacting of Vigo an oath "that while on his way to St. Louis he would do no act of hostility to the British," Hamilton let him go. In company with two companions Vigo started at once by canoe via the Wabash, the Ohio, and the Mississippi rivers for his home at St. Louis. Arriving at that city he stayed long enough to change his clothing, and immediately reëmbarked for Kaskaskia to report events to General Clark. He had kept the strict letter of his oath to do no act of hostility against the British "while on his way" to St. Louis.

Clark's Dilemma; the March upon Vincennes. General Clark was now face to face with a desperate dilemma. It was the dead of winter, and the term of enlistment of his men would soon expire. He was cut off from all means of communication with the government, and from hope of succor from any source. To secure reënforcements was impossible, and if he should wait until spring Governor

Hamilton very likely would not only be in a position too strong to be assailed, but might lead a successful expedition against him at Kaskaskia. On the other hand, he shrewdly reasoned, Hamilton would hardly expect the Americans to make a campaign in the winter time, and would be less vigilant. So a decision was quickly formed; the men, or most of them, were persuaded to reënlist for eight months longer, under the stimulus of glowing promises. The places of those who declined to reënlist were filled by recruits from the French settlers at Kaskaskia, and in a very brief period of time one of the most remarkable military campaigns in history was under way. The distance to Vincennes by the route which must be traveled was more than one hundred and sixty miles. But nothing daunted, General Clark and his little band of one hundred and seventy heroes made their start February 5, 1779. The country was low and flat, and overflowed for much of the distance. The men often waded for weary miles in water knee-deep, waist-deep, and sometimes shoulder-deep, holding their guns high above their heads to keep them dry. Frequently they were unable even to find a dry spot for a camping place at night, and part of the time it was so cold that the water was sheeted over with ice. To make matters still worse provisions ran low, and famine stared the little army in the face. A part of the force had been sent ahead by boat (the "Willing") with provisions, and they were to be waiting for the main army on the Wabash just below Vincennes; but when the weary, hungry, half-drowned, half-famished marchers arrived, the provisions had not, and they managed to keep themselves alive only through their good fortune in being able to kill one wild deer and by robbing an Indian family of the remnants of another one. After their arrival at the post, and

before the battle, the friendly settlers brought them provisions. The supplies sent by boat arrived safely and in good condition two days after the battle was over and the fort taken.

Arriving at the Wabash, it was necessary to build boats with which to transport the army across, but a safe passage was effected on the 21st of February, and on the 23d the army came in sight of the town. That afternoon the sun came out and showed his welcome face for the first time in twenty days. Human endurance was never more severely taxed than in this perilous expedition, and only men of iron constitutions and determined purpose could have survived it.

The Battle; Surrender of Fort Sackville. General Clark addressed a letter to the people of Vincennes apprising them of his intended attack, and requesting them for their own safety, and in the interests of good order, to remain in their homes.¹ He was aware of the fact that most if not all of them were friendly to the Americans. And it is said that while every inhabitant of the town knew the contents of the letter in a very short time, not an intimation of Clark's presence was carried to the British commander.

Firing upon the fort (which was called Fort Sackville)

¹ This letter was addressed "To the inhabitants of Post Vincennes," and read in part: "Gentlemen: Being now within two miles of your village with my army, determined to take your fort this night, and not being willing to surprise you, I take this method to request such of you as are true citizens, and willing to enjoy the liberty I bring you, to remain still in your houses — and those, if any there be, that are friends to the King will instantly retire to the fort and join the hair-buying General and fight like men. . . . Those who are true friends of liberty may depend on being well treated; and I once more request them to keep out of the streets. For every one I find in arms on my arrival, I shall treat him as an enemy."

By his epithet of "hair-buying General" Clark had reference to the fact that bounties were being paid by the British for the scalps of American citizens.

began at dark on the 32d day of February, 1779, and was kept up until about nine o'clock the next morning, when General Clark sent Lieutenant Governor Hamilton a brief note which read: "Sir: In order to save yourself from the impending storm that now threatens you, I order you immediately to surrender yourself, with all your garrison, stores, etc. For if I am obliged to storm, you may depend upon the treatment justly due a murderer. Beware of destroying stores of any kind, or any papers or letters that are in your possession, or hurting one house in town, for by heaven, if you do, there shall be no mercy shown you."

At first there was a refusal to surrender, later a parley, and a request for terms, and finally a conference between the commanders. Clark at first refused to accept any terms other than surrender at discretion, but later modified his answer slightly. Hamilton finally acquiesced to such terms as Clark was willing to grant. Meanwhile firing upon the fort had been resumed with desperate fury. The Americans were in high spirits and eager to storm the fort. Their marksmanship was so deadly that the British garrison could not serve their guns. To open a porthole was to invite a shower of bullets so true to aim that exposure to view by a man in the fort was equivalent to suicide. The British soldiers were dispirited and disheartened and welcomed the order of capitulation.

As the Stars and Stripes were set afloat over the old fort at Vincennes, the horizon of the greatest republic of history was broadened by the addition of an empire to its domain.¹

The day following the capture General Clark sent Captain Leonard Helm up the Wabash with a detachment of sixty

¹ The fort was rechristened Fort Patrick Henry, in honor of the governor of Virginia who had granted Clark his commission.

men to intercept a number of British boats from Detroit laden with provisions and goods. The expedition was completely successful. The boats, seven in number, with cargoes worth almost one hundred thousand dollars, were surprised and captured without a shot being fired. The prisoners taken numbered about forty.

Clark Takes Possession; "County of Illinois." General Clark took possession of the whole country in the name of Virginia. The Virginia Assembly in October, 1778, however, following the first American occupation under Captain Helm, and the capture of Kaskaskia by General Clark, had passed a law organizing the vast territory northwest of the Ohio River into the County of Illinois. Colonel John Todd was appointed County Lieutenant of Illinois, taking charge in May, 1779, and holding the position until 1782, when he lost his life in the battle of Blue Licks, in Kentucky. The organization of the County of Illinois expired by limitation in 1781, but the officers, including the county judges, continued to hold on until they were peremptorily dismissed by General Harmar in 1787.

Indians Grant Land to Clark. After the capture of Vincennes the Piankashaw Indians made a grant of one hundred and fifty thousand acres of land to General Clark, which he accepted and parceled out to the men forming his command. He retained eight thousand and forty-nine acres for himself, and apportioned the rest to his officers and men according to rank. The land was in what is now Floyd, Scott, and Clark counties, and is still known as "Clark's Grant."

Clark's Subsequent Career Signalized by Failures; a Victim of Ingratitude. Lacking a sufficient force, and equipment and supplies, General Clark was unable to complete his principal program, which now called for the capture of

Detroit. Instead he returned to Kentucky, and later organized and led a successful expedition against hostile Indians who were committing depredations around Fort Miamis. But an attempt upon his return to organize an expedition against Detroit failed. He had contracted habits of dissipation that lost him the support and confidence both of fellow citizens and officials. But Indian depredations breaking out afresh, the state authorized the raising of a force of one thousand men to proceed against them, and Clark was chosen to command it. He set out with this army for Vincennes in September, 1785, but everything seemed to go wrong. The provisions were delayed and spoiled on the way, and there were constant murmurings and complaints among the men. After passing Vincennes on their way to the Vermilion River, the soldiers mutinied, and three hundred of them deserted in a body. Clark returned to Vincennes (1786) with the remainder of the force and placed a garrison in charge of Fort Patrick Henry, as a measure of protection to the people of Kentucky against the Indians.

He was compelled to procure supplies for the garrison by impressment, and for some reason neither Virginia nor the government of the United States would ever pay for them, and the merchants afterwards sued Clark personally and secured judgments against him. These judgments consumed much of the land remaining to him from the Indian grants, and he lived the rest of his life in retirement and comparative poverty. He was much embittered because of the ungenerous treatment accorded him by the state and national governments, being unable to perceive in their methods any evidences of gratitude for what he had accomplished.

The story is told that Virginia presented him with a sword

as a testimonial to his services in having "wrested so great and valuable a territory out of the hands of the British enemy," and that he took the sword from the hand of the officer making the presentation, snapped the blade in two, and, throwing the hilt aside, exclaimed, "I asked Virginia for bread and she gave me a sword."

He died in comparative obscurity in 1818.

Gibault and Vigo also Suffer from Government Neglect or Ingratitude. Father Gibault, the parish priest who extended such valuable aid to General Clark, both at Kaskaskia and Vincennes, and was deprived of his pastorate, and some say excommunicated, for doing it, and who in a memorial to Governor St. Clair asking for reimbursements for expenses incurred by him, represented in quaint language that he "had parted with his titles and his beasts" through devotion to the cause of patriot Americans, and now needed reimbursement in his old age, also had some cause to doubt the gratitude of republics — and states. He was given a small lot in Vincennes, and a little tract of land beside, a mere trifle as compared to his sacrifices, and even this came in his old age, just about the time he was getting ready to die.

Drafts on Virginia given by Clark to Francis Vigo were not paid until ninety-five years afterwards. Vigo was rich when he advanced means to aid Clark in his campaign against Vincennes, but through misfortunes he afterwards became poor. He tried to wait for his promised reimbursement, but finally gave it up, and died, at the age of ninety-six years. The claim was eventually paid to his heirs by the United States government. Vigo County was so named in honor of this remarkable man. A monument to his memory, erected by patriotic societies, was unveiled at Terre Haute in October, 1909.

Vincennes after the Conquest. We are told that from 1779 to 1790 the inhabitants of Vincennes, although living nominally within the jurisdiction of the United States, had very little understanding of the nature of the government and were subjected to but few legal restraints. "It seems," writes historian John B. Dillon, "that they wished to live according to the old French colonial system, under the arbitrary control of those who were regarded as the commandants of the respective posts or villages. Colonel George Rogers Clark appointed 'commandants' when he subjugated the British authorities at those places, and when Colonel John Todd, acting under the authority of the general assembly of Virginia, visited Vincennes and Kaskaskia early in the summer of 1779, he appointed 'commandants' and several magistrates who were authorized to organize courts of civil and criminal jurisdiction."

The First Court in Indiana; a Reign of Lawlessness at Vincennes. The first court in Indiana, formed under this authorization, though the magistrates doubtless were elected and not appointed, opened in Vincennes in June, 1779. It seems to have concerned itself principally with making grants of the lands given to the post in 1742 by the Piankashaw Indians. Eventually the members grew tired of giving the land away to others and decided to divide the residue among themselves, "each member absenting himself from the court on the day that the order was to be made in his favor, so that it might appear to be the act of his fellows only." Happily the action of the court in reference to these lands was repudiated by Congress.

In 1783 complaint was made in an official report to the Virginia Commissioners of Public Accounts that at Kaskaskia and Vincennes the people were "wholly without law

or government; that their magistrates, from indolence or sinister views, having for some time been relax in the execution of their offices, are now altogether without authority; that crimes of the greatest enormity may be committed with impunity, and a man may be murdered in his own house and no person regards it; and, to crown the general confusion, that many people have made large purchases of three or four hundred leagues, and are endeavoring to have themselves established lords of the soil as some have done in Canada."

A better state of affairs was caused to prevail at Vincennes after the visit of Colonel Josiah Harmar in July, 1787. Major John F. Hamtramck, of Colonel Harmar's regiment, was stationed at Fort Knox as commandant, and from that time forward the old lawless days were practically over.¹

Reprisals against the Spaniards; Conquest of the Lower Mississippi Planned. In the latter part of 1786 a number of adventurous spirits in the upper Mississippi and Ohio river valleys were on the verge of starting a movement that if countenanced would have precipitated a war between the new government of the United States and Spain. After the failure of General George Rogers Clark's Wabash expedition in October, 1786, it was decided, as previously related, to establish a garrison at Post Vincennes as a measure of protection to the people of Kentucky against the Indians. To supply this garrison it became necessary to resort to impressment, and while levying on the goods of merchants under the stern rule of military necessity, some Spanish merchants were ruthlessly plundered. Such of their goods as could not be used by the military were sold at auction. There existed at the time a great deal of ill will toward the

¹ The name of the fort had again been changed. Fort Knox, however, was in reality a new structure, erected in 1788.

Spaniards anyway, as their government was in control of the mouth of the Mississippi and was maintaining certain restrictions against navigation and trade upon that stream. One merchant, attempting to make his way to New Orleans, was arrested and his cargo confiscated. As New Orleans was the principal and almost only market accessible to this region of country, and navigation of the Mississippi the only means of reaching it, the seriousness of the situation may be judged. Then, to make matters worse, the settlers in Kentucky, and the western country generally, were led to believe, on account of certain diplomatic correspondence becoming public, that a treaty had been concluded with Spain whereby the Mississippi was to continue closed to American trade for a period of years, and perhaps permanently. Hence the retaliatory slogan that if Spaniards would not permit trade down the river they should not be suffered to trade up the river. This spirit was largely responsible for the treatment the Spanish merchants received at Vincennes, and as a more serious manifestation of it steps were taken to organize a military expedition to expel the Spaniards from Natchez and the lower Mississippi and make conquest of their country. General George Rogers Clark was looked to as the military leader to execute the dangerous project. Both the legislature of Virginia and the Congress of the United States made emphatic disavowal of the whole matter when they learned of it, and took steps to prevent the carrying out of the hostile plans. Then it was made known that the supposed restrictive treaty had not been, and would not be, entered into, and the agitation gradually subsided.

CHAPTER VII

EARLY JURISDICTIONS AND TERRITORIAL GOVERNMENT

Jurisdictions of France, England, Virginia, and the United States; the First Election. The few white people under their jurisdiction during the time the French were in control of the territory now comprised within the state of Indiana (1669-1763) were governed by laws dictated by the home government and administered largely through the commandants of the posts. Subordinate offices under the commandant were few, and relatively unimportant.

The real occupancy of the British was of such brief duration that no opportunity was given to characterize their control. Nominally British control dated from 1763, but actual possession was not accomplished until 1777, and permanent expulsion by the Americans followed two years later. The common law of England was supposed to be in force in a limited way, but the government, in reality, was a mere personal one by the British commandant, or "superintendent," stationed at Vincennes. In an attempt to win the sympathy of the French settlers as against the Americans during the War for Independence, most of the laws and regulations of the old French jurisdiction were revived by the British government and the rights of the former French subjects guaranteed under them.

Following the capture of Kaskaskia by General George Rogers Clark in 1778, and the occupancy of Vincennes by Captain Leonard Helm, both citizens of Virginia, that state claimed sovereignty by right of conquest over all the North-

west Territory.¹ Her claim was made good by the final conquest of Vincennes in 1779 by General Clark. She organized the territory under the name of the County of Illinois, and appointed Colonel John Todd to govern it under the title of County Lieutenant. This vast region comprised all the territory later incorporated into the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin, and the greater portion of that part of Minnesota which lies on the eastern side of the Mississippi.

It is not true, as has sometimes been stated, that Virginia extended her laws to govern and control the newly acquired territory. What she did do was to declare in the act organizing the "County of Illinois" that "all civil officers to which the said inhabitants have been accustomed, necessary for the preservation of peace and the administration of justice, shall be chosen by a majority of the citizens in their respective districts . . . which said civil officers, after taking the oath (of allegiance) . . . shall exercise their several jurisdictions, and conduct themselves agreeable to the laws which the present settlers are now accustomed to."

This was literally a revival and continuation of the French system of laws and administration, except that the officers were made elective. And the election which took place in accordance with the act, soon after its promulgation, was the first popular election ever held in Indiana. No provision was made in the act for government beyond the year 1781,

¹ Virginia also claimed the Northwest Territory as a part of her original charter domain, granted by the king to the London Company in 1609. Under this grant Virginia was made to extend two hundred miles north, and the same distance south, of Point Comfort, and "west and northwest from sea to sea." By the treaty with France in 1763 Great Britain gave up her claim to the territory west of the Mississippi, but Virginia held her title to be good to the limit of British sovereignty, which was the eastern bank of the Mississippi.

but the officers elected and commissioned continued to hold on until they were dismissed by General Harmar in 1787.

In 1784 Virginia signed a deed of session of the Northwest Territory to the government of the United States.¹ From the date of this session to the passage by Congress of the Ordinance of 1787 there was no authorized or legal control of any kind over the territory.

Ordinance of 1787; Machinery of Territorial Government. The Ordinance of 1787, the great charter of the states of Ohio, Indiana, Illinois, Wisconsin, and Michigan, was an act of Congress providing for the government of the Northwest Territory.² It provided for the appointment by Congress of a governor, whose term of office should be three years; of a secretary, whose term should be four years, and of a court, to consist of three judges with common-law jurisdiction and tenure of office lasting during good behavior.

The governor and judges, or a majority of them, were empowered to adopt and publish "such laws of the original states, criminal and civil, as may be necessary and best suited to the circumstances of the district" until the organization of a general assembly, to which would then belong the law-making power. A general assembly was authorized when the number of free male inhabitants in the district should reach five thousand. There was to be one representative elected for every five hundred free male inhabitants, until the population should so increase as to bring the num-

¹ The deed of session was signed by Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, acting as delegates for the Commonwealth of Virginia. It will be noted that two of these, Jefferson and Monroe, afterwards attained to the honor of the presidency.

² This ordinance has appropriately been called the "Magna Charta of the West." Daniel Webster said of it: "I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787."

ber of representatives up to twenty-five. After that the number and proportion of representatives were to be regulated by the legislature. The term of office fixed for a representative was two years.

A legislative council, consisting of five members, to be appointed by Congress, with a five-year tenure of office, was provided for. The five members of the council were to be chosen from a list of ten names to be submitted to Congress by the governor and house of representatives, after the election of that body. The governor, the legislative council, and the house of representatives were then to compose the general assembly, or territorial legislature. The legislative council and house of representatives, acting together in joint assembly, were empowered to elect a delegate to Congress.

It will be noted that only members of the house of representatives were elective by the people. A man to be entitled to vote for a representative was required, in addition to the possession of citizenship and residence qualifications, to own a freehold in fifty acres of land. Only freeholders were eligible to election or appointment to any of the offices under the territorial government.

Articles of Compact. The ordinance further contained six articles of compact between the original states and the people and states in the new territory, the preamble to which reads: "And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of states, and permanent government therein, and

for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest: It is hereby ordained and declared by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent."

Article I of this compact guarantees religious liberty; Article II is the bill or guarantee of civil rights; Article III reads in part: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged." The rest of this article is a guarantee of good faith and fair treatment toward the Indians. Article IV deals with the obligations of the states toward the Confederacy or Union, as to its perpetuity, inviolability, support by taxation, etc., and provides that all navigable waters shall be common highways and forever free. Article V provides for the formation of not less than three and no more than five states from the territory covered by the ordinance, and their eventual admission into the Union. Article VI ranks with Article III in its illustration of the wise and far-seeing statesmanship which produced the ordinance. It reads in part: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crime, whereof the parties shall have been duly convicted."

Arthur St. Clair Made Governor of Northwest Territory (1787-1800). On the 5th of October, 1787, Major General Arthur St. Clair was appointed by Congress to be governor of the Northwest Territory, and Winthrop Sargeant was

made secretary. Marietta, Ohio, became the seat of government, and the first sessions of the territorial court were held there in 1788. The judges comprising the court were Samuel H. Parsons, James M. Varnum, and John Cleves Symmes. Under the terms of the ordinance, Governor St. Clair was president of the court. A session of this court was held at Vincennes in 1790, and by an act of the legislature of that year, regulating the same, a sitting of the court was designated for Vincennes annually thereafter.

Meanwhile immigration to the territory had begun to grow rapidly, settlers flocking in from Virginia, Kentucky, the Carolinas, and the New England states, and in 1798 the population having grown to the required five thousand, the second step in the perfecting of the territorial government was taken. An election was held on the third Monday in December of that year for members of the house of representatives for the first general assembly. The members so elected, and the governor, met at Cincinnati on the 22d of January, 1799 (the seat of government having been removed to Cincinnati from Marietta), and forwarded to Congress a list of names of ten citizens from which to select the five members of the first legislative council. The appointments being made, the first territorial legislature, or general assembly, was complete, and it held its first session at Cincinnati in September, 1799.

Among the important measures enacted by this first legislature were laws to prevent drunkenness, profane swearing, Sabbath breaking, dueling, cock fighting, running horses on public highways, gambling, etc. The whipping post and pillory as methods of punishment were established.

It fell to the duty of this legislature to elect a delegate to Congress, and the members found themselves called upon

to decide a very spirited contest for the honor between Arthur St. Clair, Jr., a son of Governor St. Clair, and Captain William Henry Harrison, then secretary of the territory. Harrison had been appointed to succeed Winthrop Sargeant, Sargeant having resigned to become Governor of Mississippi. Harrison was the victor, winning by the narrow margin of one vote.

Division of the Northwest Territory; William Henry Harrison First Governor of Indiana Territory (1800–1812).

The political existence of the Northwest Territory as a whole was comparatively short (1787–1800). On the 7th of May, 1800, the President approved an act of Congress dividing the territory into two parts, the division being on the boundary line now dividing Ohio and Indiana. All that portion of the original territory west of the said line was constituted into a separate territory to be designated as



WILLIAM HENRY HARRISON

Indiana Territory. This made it necessary for the people of Indiana Territory to begin all over again in the formation of a new government under the Ordinance of 1787. Accord-

ingly, William Henry Harrison was appointed governor (May 13, 1800), and John Gibson of Pennsylvania, secretary.¹ The seat of government was fixed at Vincennes. The first territorial judges appointed for Indiana were William Clark, Henry Vanderburg, and John Griffin. They opened the first general court at Vincennes on the 3d of March, 1801. The judges and the governor had held a meeting in the January preceding for the purpose of publishing such laws "of the original states" as were deemed necessary until a legislature should be formed.

At this time the white population of Indiana Territory was estimated at four thousand eight hundred and seventy-five.

In March, 1804, Congress enlarged the area of Indiana by attaching to it all that part of Louisiana Territory situated west of the Mississippi and north of the thirty-third degree, north latitude, under the name of the "District of Louisiana." The following year, however, it was detached and made a separate territory.

Election of Legislature; Indiana Territory Reduced to Present Size of the State by Detachment and Organization of Michigan and Illinois. On January 3, 1805, an election was held upon the call of Governor Harrison to elect members of the house of representatives, a determination having been reached (September 11, 1804, by a majority of 138) to enter upon the second stage of territorial civil government. The members elected met with the governor at Vincennes on the 1st of February, and on the 7th selected ten names

¹ General Gibson performed the duties of governor from the date of his appointment, May 14, 1800, until January 10, 1801, Governor Harrison not arriving in the territory until that time. Again, in 1812 and 1813 he was called upon to serve as acting governor, his chief being in charge of the western armies of the United States. It was General Gibson to whom Chief Logan made his celebrated speech in 1774.

from which the President, under authority of Congress, chose the five members of a legislative council. The general assembly thus completed convened at Vincennes on the 29th of July, 1805. Benjamin Parke, lately emigrated from Virginia, was elected the first delegate to Congress. He was later appointed by the President to a territorial judgeship, and Jesse B. Thomas was chosen by the legislature (1808) to succeed him in Congress.

On the 11th of January, 1805, only a few days after the election to choose members of the legislature, Congress passed an act dividing the territory again, detaching and organizing the territory of Michigan. The act became effective June 30, 1805. The next change in boundaries took place on the 1st of May, 1809, when all that portion remaining of Indiana Territory lying west of what is now the Indiana-Illinois state line, was detached and organized into the territory of Illinois. (Act of Congress, February 3, 1809.) With this division, which was the last, Indiana was reduced to its present size.

Election Tangle; Legislature Declared Illegal. In the same act by which Congress reduced the size of Indiana by organizing Illinois Territory, it authorized the redistricting of Indiana for legislative purposes, and provided that the house of representatives should consist of not less than nine members. Prior to this action Governor Harrison had already called an election for representatives, fixing eight as the number to be chosen. The date of the election was May 22. When the legislature so elected convened in October, a question of its legality at once arose, and after several days of wrangling, Congress was finally memorialized by the legislature to straighten out the tangle. That body declared the election illegal, and directed the governor to

apportion the territory for nine representatives and order a new election, which he did.

Extending the Franchise; the First Census. In 1809 Congress passed laws making members of the legislative council and the delegate to Congress elective by the qualified voters of the territory. Jonathan Jennings, running on an antislavery platform, was the first delegate chosen by the new method. Thomas Randolph, on a proslavery platform, was the unsuccessful candidate against him.

In 1811 the property qualifications for voters were abolished, and the right to vote was extended to every free white male person twenty-one years old or over who had paid a county or territorial tax and had been a resident a year. In 1814 the voting privilege was further extended to every free white male having a freehold in the territory and being a resident thereof.

In 1810 the first complete census of Indiana Territory was taken, and it showed the population to be 24,520. Statistics of manufactures gathered at the same time showed that there were in the territory thirty-three gristmills, fourteen sawmills, three horse mills, eighteen tanneries, twenty-eight distilleries, three powder mills, one thousand two hundred fifty-six looms and one thousand three hundred fifty spinning wheels. Total value of manufactures, as reported to the United States Treasury Department, \$196,532.

Thomas Posey Becomes Second and Last Territorial Governor (1813-1816); Seat of Government Changed from Vincennes to Corydon; New State House. In 1813 the President appointed Thomas Posey governor of the territory, to succeed Governor Harrison, who had been made commander-in-chief of the federal forces in the west. Mr. Posey was serving as a senator from Louisiana at the time

of his appointment. He was a native of Virginia, and had won distinction as a soldier in the Revolutionary War. He continued to serve as governor until the territory was admitted into the Union as a state in 1816.

In the year 1811 it was determined to change the capital of the territory from Vincennes to Corydon, in Harrison County, and the construction of a new State House was immediately begun. The first session of the legislature to convene therein was that of 1813, although the structure was not entirely completed until two years later.

The material entering into the construction of the new Statehouse was native blue limestone taken from the neighboring hills. The building still stands. It is two stories high and forty feet square. The lower story was used as the hall of the house of representatives, while the legislative council, and later the senate, held its sessions in one of the two rooms of the second story.

Preparations for Statehood; Adoption of Constitution of 1816; First State Officers Elected. On the 14th of December, 1813, the territorial legislature adopted a resolution memorializing Congress to admit Indiana into the Union as a state. And as there had been considerable agitation up to that time in favor of the abrogation or suspension of the sixth article of the compact in the Ordinance of 1787 prohibiting slavery, the legislature incorporated the following in its memorial: "And whereas, the inhabitants of this territory are principally composed of immigrants from every part of the Union, and as various in their customs and sentiments as in their persons, we think it prudent at this time to express to the general government our attachment to the fundamental principles of legislation prescribed by Congress in their Ordinance for the government of this

territory, particularly as respects freedom and involuntary servitude, and hope they may be continued as the basis of the constitution."

In 1815 a census was taken by order of the legislature, and it showed a voting population in the territory of 12,112, and a total population of 63,897, indicating an increase of 39,377, equal to 161 per cent, in five years.

On the 19th of April, 1816, Congress passed an enabling act authorizing the calling of an election to choose delegates to a convention to frame a state constitution. The election was held on the 13th of May, and the convention met at Corydon, and began its deliberations on the 10th of June, 1816. The delegates numbered forty-two. Jonathan Jennings was chosen president of the convention, and William Hendricks, secretary.

Most of the sessions of the convention were held under the wide-spreading branches of a large elm tree which stands near the Corydon Statehouse. It is known as Constitutional Elm, and is an object of patriotic interest and curiosity to many hundreds of visitors annually.¹

The members of the convention proved themselves an exceptionally able and businesslike body of men. They were in session but nineteen days, during which time they framed for the new state a constitution, clear and concise in language, and wise in its provisions, which "was not inferior to any of the state constitutions which were in existence at that time."² It met with the approval of Congress,

¹ The spread of branches of Constitutional Elm is 146 feet. It is 60 feet high, and its trunk measures 8 feet in diameter a foot above ground. A retaining wall has been built to prevent the washing of the soil from its roots, and patriotic and highly praiseworthy efforts are being put forth by citizens of Corydon to protect and preserve the life of this historic old tree as long as possible.

² Dillon.

and Indiana was admitted into the great family of states on the 11th of December, 1816.

Although the state was not formally admitted until December 11, 1816, the first election under the new constitution was held on the first Monday of the August preceding. It resulted in the choice of Jonathan Jennings for governor, Christopher Harrison, lieutenant governor, and William Hendricks, member of Congress. Jennings



CONSTITUTIONAL ELM

was the delegate in Congress at the time of his election to the governorship. His opponent in the race for governor was Thomas Posey, then territorial governor. The vote stood 5211 for Jennings and 3934 for Posey. By the constitution, as adopted, the other state officers were elective by the legislature.

First Session of State Legislature; Additional State Officers Chosen. The first session of the legislature of

Indiana as a full-fledged state convened at Corydon on the 4th of November, 1816. Isaac Blackford was elected speaker of the house of representatives, Christopher Harrison being president of the senate by virtue of his office as lieutenant governor. The governor and lieutenant governor were inaugurated on the 7th. During the session the following additional officers were chosen, completing the new state government: Robert A. New, secretary of state; William H. Lilly, auditor of public accounts; Daniel G. Lane, treasurer of state. James Noble and Waller Taylor were elected to represent the new state in the United States Senate.

Under the constitution of 1816 the terms of office of the different state officers and members of the legislature were: governor and lieutenant governor, three years; secretary of state, auditor of public accounts, and treasurer of state, four years; state senators, three years; and representatives, one year. Sessions of the legislature were held annually.

In earnest devotion to the interests of the new commonwealth, and of the people, and in the conscientious and prompt performance of their official duties, the members of the constitutional convention, and of this first legislature, set an example worthy of the emulation of their successors in much later times, called upon to administer to the needs of a state grown vastly greater and grander, and largely so because of the correct foundation principles implanted in its first constitution, and in its early laws.

Early Taxation; Progress of the New State. During the first several years of statehood, state revenues were raised by a graduated land tax. This tax in 1817, based on the one hundred acres, was one dollar on first-rate land, eighty-seven and one half cents on second-rate land, and fifty cents on third-rate land. An additional tax was also imposed

for county purposes, so the burden on landowners was not light. Other objects of local taxation were live stock, carriages, watches, clocks, etc., and then there was a poll tax, and a license tax on venders of merchandise. Naturally complaints because of tax burdens were not unknown. In fact, the successive steps in territorial government, and finally the exaltation of the territory to statehood, were confronted with opposition by some on the grounds that taxation would be increased. In August, 1807, a number of the French inhabitants of the territory, which more than two years before had been raised to the second grade of government, met and resolved that they "would withdraw their confidence and support forever from those men who advocated, or in any manner promoted, the second grade of government." But with the development of the almost inexhaustible natural resources of the state, and the multiplication and increase in value of the objects of taxation, the burdens became relatively lighter.

From the very first, progress of the new state along all lines was highly satisfactory. The population grew rapidly, forests were cleared, swamps were drained, roads built, homes established, industries founded, commerce extended, schools opened, churches built, towns and cities laid out, and local government extended and perfected.

The Thirteen Original Counties. As the responsibilities of a national government were first assumed by the thirteen original states, so the responsibilities of Indiana's state government were assumed by the "thirteen original counties" — that being the number of organized counties participating in the framing and adoption of the constitution of 1816. All were southern counties, mainly bordering the Ohio and lower Wabash rivers. They were: Knox, Posey,

Gibson, Warrick, Perry, Washington, Harrison, Clark, Jefferson, Switzerland, Dearborn, Franklin, Wayne, — Wayne being the most northerly. There were but four organized counties in 1809 when the first popular election for delegates to Congress was held. These were Knox, Harrison, Clark, and Dearborn.

More than three fourths of the territory of the state was still held by the Indians at the time of the adoption of the constitution.

CHAPTER VIII

THE SLAVERY QUESTION

Curious Contradictions in Ordinance of 1787. Mr. J. P. Dunn, in his admirable treatise on the subject, "A Redemption from Slavery," makes it clear that the slavery question was the "paramount political influence in Indiana up to the time of the organization of the state government." Nor did it by any means disappear from the arena of politics then. For more than three quarters of a century following the formation of the American Union slavery was a dominating influence affecting or deciding the alignment of political parties. A mere local adjustment, or nominal settlement, could by no means remove the question from discussion in Indiana; it was alive here as long as it was in politics, and when the war came no state in the North, or even on the border, was more violently torn by the clash of ideas so long fostered.

At the time of the adoption of the Ordinance of 1787 approximately two hundred persons were being held to bondage in what is now Indiana. As slavery was prohibited by the ordinance, many of these were taken out of the territory by their owners, who emigrated to the Spanish possessions, or other places where slaveholding was not illegal. Others remained, and continued to hold their human chattels, claiming a legal right to do so on grounds that were more than plausible. First, in the deed of cession by which Virginia conveyed the Northwest Territory to the United States, there was a provision "that the French and

Canadian inhabitants, and other settlers . . . who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties." Negro slavery was an essential part of the "possessions and titles" here reserved to the settlers by Virginia, and guaranteed to them by the United States in its acceptance of the grant.

Then the Ordinance of 1787, in the endeavor to keep faith with Virginia, and at the same time prohibit slavery in the Northwest Territory, was rendered contradictory in its terms. The sixth article of the compact reads: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted: provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."

This would indicate an absolute prohibition of slavery in the Northwest Territory, with a proviso for the recovery of fugitive slaves by owners from outside the territory. But among the provisions for conveyance of property there was inserted the saving clause "to the French and Canadian inhabitants, and other settlers of the Kaskaskia, St. Vincent and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property." Then suffrage was restricted to "free male inhabitants," and in estimating or counting population for governmental purposes, only "free male inhabitants" were permitted. Certainly it would be hard to imagine a broader

implication of an existing and continuing distinction as to free men and slaves.

So it is plain enough that those whose interests inclined them to favor slavery were not wanting in arguments upholding its technical legality. Curiously enough no case ever reached the higher courts of the United States fairly testing the legality of slaveholding in the Northwest Territory after the passage of the Ordinance of 1787. Of course there could be no doubt of the abrogation in the Constitution of Indiana, adopted in 1816, of any right of the French or other settlers to hold slaves in the state, if such right really was saved to them by the ordinance.

About the most that was claimed, however, was the limited right to hold slaves already in bondage at the time the ordinance was passed. The abrogation of the restricting clause was desired in order that the importation of additional slaves might be permitted. And under certain laws of indenture passed by the territorial legislature some slaves were imported, and a modified form of slavery legalized and openly practiced. Under this legislation negroes might be imported and held in absolute slavery for sixty days, and thereafter in limited slavery for a term of years, or for life.

Agitation for Slavery. In 1802 a convention was held at Vincennes, at which a lengthy set of resolutions was prepared and forwarded to Congress asking that the sixth article of the compact in the ordinance be suspended for ten years, on the grounds that the slaves were needed to develop the new country, and American citizens who could ill be spared were being driven to the Spanish dominions because of their slave holdings. This convention was composed of delegates regularly apportioned among the counties, and Governor Harrison presided over its sessions.

The territorial legislature of 1805 requested the repeal of the restricting clause, or at any rate a memorial signed by three members of the legislative council, and by the speaker and three members of the house of representatives, was forwarded to Congress. The legislature of 1807 also memorialized Congress in the interests of slavery.

Congress took no action in the matter, although the agitation compelled attention and many members were sympathetic. A timely counter agitation was started in 1807, however, when a meeting of citizens opposed to slavery met at Springville, on the 10th of October, and framed and forwarded a memorial vigorously protesting against the extension of slavery, or any violation of the compact in the Ordinance of 1787.

The contest for the election of a delegate to Congress in 1809 also proved a valuable aid in staying the tide of the proslavery crusade, as it indicated a small preponderance of public sentiment against it. The fight was between Jonathan Jennings, avowedly antislavery, and Thomas Randolph, proslavery. Jennings won, and was reëlected on the same platform in three subsequent biennial elections. Still, hope was not abandoned, and the advocates of slavery carried the contest to the constitutional convention of 1816, where they met their final defeat through the adoption of the clause in the constitution: "There shall be neither slavery nor involuntary servitude in this state otherwise than for the punishment of crime, whereof the party shall have been duly convicted, nor shall any indenture of any negro or mulatto hereafter made and executed out of the bounds of this state be of any validity within the state."

But slaves continued to be held, it is said, until 1843, when the last one died. According to the returns of the

United States census there were one hundred and ninety slaves in the state in 1820, and three in 1840. Of the three still held in 1840 two were in Rush County and one in Putnam.

Question of Recapture of Fugitive Slaves; Underground Railroads. The question of the arrest and return of slaves escaping from other states and seeking refuge in Indiana was a source of special irritation for many years, both to those citizens of the state who did not believe in slavery and preferred to assist the fugitives to liberty, and to the owners of the slaves who claimed the right to pursue and recover their "property." So common did the practice become of assisting runaway slaves across the state from the Ohio River to Canada, that regular routes were established, and known as "Underground Railroads." These underground railroads had regular stations, principally at the homes of men who abominated slavery. Here the fugitives were concealed and fed. Conveyances also, in many instances, were furnished between the stations, travel being mostly by night. Many hundreds of slaves were thus piloted across the state to the British possessions and freedom.

The strong sympathy for the institution of slavery evinced by a considerable element of the population, both in early times and up to and during the war for the Union, is accounted for by the fact that Indiana was largely peopled by immigrants from the southern or slaveholding states. But not all of these southern immigrants were proslavery, as many of them came for the purpose of finding homes and rearing families in "free territory," and to them great credit is due for the fact that the antislavery sentiment predominated when the crisis came, and threw the great weight of Indiana's material help and moral influence upon the side of liberty and the Union.

CHAPTER IX

INDIAN WARS

MIAMI CONSPIRACY; THE PROPHET'S WAR; INDIANS AND BRITISH IN WAR OF 1812

Motives for Indian Hostility; Real Fact which Condemns the Red Man. The Indian, generally, has been given credit for a natural inclination to treachery and cruelty, though it cannot be said that his deeds were always lacking in rational or even patriotic motive. Time and experience had brought him to a bitter realization of the fact that gradually he was being dispossessed of his lands. Sometimes they were sold by chiefs, or members of his tribe who had no particular right to sell; sometimes they went by treaty that he knew nothing about and could not understand, and sometimes they were taken by violence. He saw the game driven from the forests, and his hunting grounds transformed into cultivated fields that to him were no better than deserts, while he and his race were pushed farther and farther westward toward the setting sun. When civilized men fight for homes and native land, they are patriots. And though the Indian fought for the same sacred entities, he, in his ignorance, employed methods which not only precluded sympathy, but armed the greedy white man with pretexts for employing even more heartless severity toward him. Grievous, though differing in kind, were the wrongs he suffered. If accounts were fairly balanced, we doubt if the white man would find that he has any wide margin of cause to remember the past with malice toward his red brother.

The most telling indictment that can be brought against the Indian in justification of his banishment is that he failed to make adequate use of the priceless gifts with which the Great Spirit had endowed him. With his mode of living it required, on an average, something like fifty thousand acres of land for the support of each individual of his race. The fertile lands of the American Continent now furnish homes for scores of millions of enlightened, progressive, and happy people, as against the few thousands of miserable, half-clad, feather-bedecked and roving savages who formerly occupied them. The fittest must survive. Left to himself under primitive conditions, the Indian seemed proof against progress. Should he then, after all, have been spared, and allowed to stand forever a barrier against civilization in the western world? On the theory of the greatest good to the greatest number the answer inevitably must be in the negative. Yet it is sad to contemplate. The events narrated in this chapter are merely dramatic incidents in the process of reduction, impoverishment, and banishment of a once proud and haughty race.

Indians Jealous of Their Kentucky Hunting Grounds. A number of expeditions dating from the Revolutionary War period and earlier, and repeated from time to time until after the organization of the Northwest Territory, were made by armed forces from Kentucky into the wildernesses of Indiana and Ohio to punish hostile Indians for murderous raids upon Kentucky settlers. Some of them were successful, and some came to grief. The Indians regarded Kentucky as a kind of common hunting ground, and they resolutely resisted its occupation by the whites. They guarded the Ohio River almost night and day, and many outrages were committed upon immigrants or tradesmen on the bosom of that stream, and upon the settlers near its shores.

THE MIAMI CONSPIRACY

Causes for Friction. From the time of General George Rogers Clark's last expedition to the Wabash country against the Indians in 1786 it was apparent that serious trouble was brewing. A persistent agitation was carried on among the Indians, and British influences were exerted to the utmost to fan the disaffection into angry flames of war. The efforts of Congress to extinguish the claims of the Indians to the lands northwest of the Ohio River added to the causes for distrust and friction, and the situation was daily aggravated by the encroachments of white settlers on the lands belonging to, or claimed by, the Indians.

Harmar's Expedition Fails; Hardin Twice Defeated. By 1790 the situation had become such that decisive action on the part of the government seemed imperative. Accordingly General Arthur St. Clair, governor of the Northwest Territory, was ordered to prepare a large force and send it to the Indian country. Soon afterwards General Josiah Harmar, with a force consisting of about 400 regulars and 1050 militia, was dispatched directly to the Indian village of Kekionga, near where the city of Fort Wayne now stands, but found it had been deserted. This was October 15, 1790. On the 16th he sent out a force under Colonel John Hardin, consisting of thirty regulars and about two hundred militia. On the 19th this force was attacked by a large body of Miami Indians under Chief Little Turtle and utterly routed. The battle occurred near the Eel River, about eleven miles from the present site of Fort Wayne. Hardin's loss was twenty regulars and six militiamen killed, and many others wounded. He rejoined General Harmar and a retreat was begun toward Fort Washington on the 21st.

Chagrined by his defeat and anxious to regain his reputation as an Indian fighter, Colonel Hardin persuaded General Harmar to permit him to try again. So at the head of sixty regulars and three hundred and forty militia, though made subordinate in command to Major Wyllys, he defiantly marched back to the scene of his defeat. The little army reached the Maumee near Kekionga early on the morning of the 22d. As on the former expedition, the grave error of dividing the force was committed, and the militia were sent to pursue a party of Indians, apparently in retreat. The militia were thus drawn into an ambush, and assailed by superior numbers. Meanwhile Little Turtle furiously attacked the regulars. The loss this time was several officers, including Major Wyllys, and over a hundred and fifty men killed. Colonel Hardin again led the retreat. The Indians suffered an equal loss with their antagonists in this engagement, however, and did not offer pursuit.

Gathering together the remaining fragments of the army, General Harmar took up the march for Fort Washington (on the site of the present city of Cincinnati) October 23, arriving November 4. The total loss of the army in the expedition was one hundred and eighty-three men killed and thirty-one wounded.

Minor Operations. While these events were taking place on the Maumee, Major Hamtramck, commandant of the post at Vincennes, led a small force against the Indians on the Vermilion River and destroyed several villages, but encountered no serious opposition.

A force of about eight hundred men, under command of Brigadier General Scott, crossed the Ohio from Kentucky in May, 1791, and advancing to the Wabash destroyed Ouiatenon and surrounding Indian villages.

Brigadier General Wilkinson, sent out by Governor St. Clair in July, 1791, with about five hundred men, won some successes against the Indians on the upper Wabash. The chief town of the Ouiatenon nation on the Eel River and a Kickapoo village were destroyed.

General St. Clair Takes the Field; His Disastrous Defeat. The Indians were jubilant over their victories on the Maumee, and the war spirit grew. Depredations became more frequent, and the seriousness of the situation was fully realized by the government. Accordingly a force consisting of about three thousand troops was raised and Governor St. Clair ordered to take the field in person. His principal instruction was to establish a strong and permanent military post at the Miami village (Kekionga) on the Maumee, and garrison it with an adequate force.

Meanwhile the Potawatamis, Kickapoos, Delawares, Ottawas, Wyandotts, and Shawnees had joined their fortunes with the Miamis in their coming great struggle for the expulsion of the whites. They had about fourteen hundred warriors.

General St. Clair, leading a force of about fifteen hundred men, reached the headwaters of the Wabash at the point where Fort Recovery was later erected, on the 3d of November, 1791. On the morning of the 4th, just before day, the Indians attacked him. It seems that so prompt an acceptance of the challenge implied by his presence in the Indian country was not expected by St. Clair. In other words, it merely proved another version of the oft-repeated story of Indian surprises. The troops tried to form and resist the attack, and finally did push their assailants back by a bayonet charge, but one assault was promptly followed by another until the troops were completely overwhelmed. A retreat

was begun, which quickly degenerated into a rout. Almost half the army had fallen, and the rest was in hopeless panic. This demoralized remnant reached Fort Jefferson, thirty miles to the south, late that day, and another disaster was completed, and ready to be written in the record. St. Clair's loss was thirty-nine officers and five hundred and ninety-three men killed and missing, and half as many more wounded. More than one hundred women, being wives of the officers and men, had accompanied the expedition, and very few of them escaped the dreadful carnage of the battle and the retreat.¹

The battle occurred in the southwestern corner of what is now Mercer County, Ohio, close by the Indiana line. Little Turtle was in chief command of the Indians, but he had able assistance from such celebrated chiefs as Tecumseh and Blue-Jacket, Shawnees, and Buck-ong-a-helas, of the Delawares. Tecumseh had personal charge of the Indian scouts, and no movement of his pale-faced antagonists was ever allowed to escape his sleepless vigilance.

The most appalling acts of brutality and cruelty were perpetrated by the Indians after this battle. Reproaching them with the charge that they sought land only, they crammed clay and sand down the throats of the dying and the dead.

General Wayne Assumes Command; a Fruitless Peace Commission; Battle of Fallen Timbers. A force of five thousand men was now assigned to the duty of accomplishing the mission which Harmar and St. Clair had failed to perform, and General Anthony Wayne was summoned to

¹ Congress enacted a law in May, 1910, appropriating \$25,000 for the erection, at Fort Recovery, of a suitable monument to the memory of the soldiers who lost their lives in this cruel struggle.

the command. There was some delay in launching the expedition, because of a fruitless attempt to treat with the Indians through a peace commission consisting of Benjamin Lincoln, Beverly Randolph, and Timothy Pickering. They found the Indians flushed with their victories and intent upon further resistance. They were met with the contention that all the land lying northwest of the Ohio River belonged exclusively to the Indians, and that in case they chose to dispose of it, they had a right to sell to whom they pleased, regardless of whether the purchasers were Americans, British, or of other nationalities. Of course such claims could not be countenanced, and the negotiations came to an end.

The attitude of the Indians was due very largely to malicious interference on the part of the British, who continued to maintain garrisons at Niagara, Detroit, Michilimacinae, and other places on American soil in contravention of the terms of the treaty of 1783.¹ They not only persisted in inciting the Indians to warfare against the Americans, but supplied them with means to carry on hostilities. Many British soldiers fought side by side with the Indians, especially at Fallen Timbers.


At the head of three thousand soldiers, two thousand of whom were regulars, General Wayne moved out from Fort Washington early in October, 1793. Arriving at the scene of St. Clair's defeat, he erected a fort and called it Fort Recovery. Here he was attacked on the 30th of June,

¹ The fourth article in the treaty of 1783, by which the Revolutionary War was terminated, provided that "No lawful impediments" to the collection of debts should be met with by creditors on either side. The British government charged that this article was not being fairly observed by many American debtors to British subjects, and that some of the states, soon after the conclusion of the treaty, had passed laws openly designed to impede the collection of such debts. The garrisons were not withdrawn until a new treaty was signed in 1796.

1794, by about fifteen hundred Indians and a few British and Canadians, but they were easily repulsed. In July, General Wayne was reënforced by sixteen hundred mounted volunteers under Major General Scott. On the 4th of August he moved out with his main force and, marching to the confluence of the Maumee and Auglaize rivers, where Defiance, Ohio, now stands, erected Fort Defiance. All of this time the Indians had sought in vain an opportunity to make a surprise attack, but were baffled by the vigilant watchfulness of their new adversaries. Little Turtle referred to General Wayne as the "Man-who-never-sleeps," and realizing that Indian successes were at an end, counseled peace. Unfortunately for the Indians he was overruled by the other chiefs and braves.

Finally, despairing of an opportunity to surprise the Americans under such a leader, the Indians, on the 20th of August, launched their attack. The battle occurred at a place called Fallen Timbers, near the rapids of the Maumee, and almost under the guns of the British fort at that place. The engagement was fierce though decisive, the Indians and their British allies being defeated with frightful loss. The number of Americans actually engaged was somewhat less than a thousand, while the enemy numbered close to two thousand. With this defeat the power of the Indians was effectually broken.

Proceeding thence to the head of the Maumee, General Wayne began the erection of the fort which had been the main object of St. Clair's expedition as well as his own. The fort was completed November 22, 1794, and garrisoned by a strong detachment of infantry and artillery under command of Major John F. Hamtramck, who called it Fort Wayne.



Treaty of Greenville; Indians Still Own Nearly All of Indiana; Immigration. The Indians met General Wayne at Greenville, Ohio, to arrange terms of peace. The convention lasted from June 16 to August 3, 1795, when a treaty was formally signed. This treaty gave to the Indians all the land within the present limits of Indiana, with the following exceptions: (1) One tract of land six miles square at the confluence of the rivers St. Mary and St. Joseph, where the city of Fort Wayne now stands; (2) one tract two miles square on the Wabash River near the head of the Maumee, about eight miles westward from Fort Wayne; (3) a tract six miles square at Ouiatenon, on the Wabash; (4) a tract of one hundred and fifty thousand acres near the Falls of the Ohio, being the lands granted to General George Rogers Clark by the Indians soon after the conquest of Vincennes; (5) the site of Vincennes and the lands adjacent, to which Indian titles had been extinguished, and all similar lands at other places in possession of white settlers; (6) the strip of land lying east of a line running directly from the site of Fort Recovery so as to intersect with the Ohio River at a point opposite to the mouth of the Kentucky River.

Following the treaty of Greenville, a heavy tide of immigration to the Northwest Territory set in from the eastern states, and the impetus to growth in population was not again checked until the new Indian outbreaks immediately preceding the War of 1812.

THE PROPHET'S WAR

Causes Leading to Conflict; Tecumseh and Pemsquatawah. The next serious trouble was fomented by Tecumseh, the celebrated chief of the Shawnees, and his brother, Pems-

quatawah, also a chief of much renown. Pemsquatawah was known as the "Prophet," because of religious pretensions made by him to his people.

Agitation among the Indians began as early as 1805-06, and the white settlers were advised to take precautions for their safety. Meanwhile General William Henry Harrison, then territorial governor of Indiana, put forth every endeavor to preserve the peace. A number of Indian depredations were committed, and several unprovoked outrages, on the other hand, were practiced against the Indians by white men. The Indians complained bitterly of encroachments by white settlers on lands reserved for them. Finally, a demand was made for the retrocession of a large tract of land southeast of the Wabash, which had been ceded to the government by a treaty made at Fort Wayne in 1809. The claim was put forward that the lands were owned in common by all the tribes, and no one of them individually had a right to sell; that the consent and concurrence of all should be procured to make any cession valid. This was preached with great ingenuity by the Prophet, along with the employment by him of other arguments to inflame his people. Tecumseh devoted his efforts mainly to the broader enterprise of forming a confederacy of the tribes. All the while both disclaimed any hostile purposes whatever, and made a great point of promoting reforms among the Indians. They especially inveighed against the use of intoxicating liquors by the people of the tribes.

Meanwhile a crisis in the relations between the United States and Great Britain was approaching. By the latter part of the year 1810 the certainty of war was generally recognized, and the British agents in Canada began making unusual efforts to cultivate the friendship of the Indians,

and at the same time stir their hatred of the Americans. Governor Harrison put forth every reasonable endeavor to avert trouble with the Indians, by holding conferences with them, sending commissioners to treat with them, and by personal interviews and correspondence with both Tecumseh and the Prophet.

Governor Harrison and Tecumseh Hold Conferences; Remarkable Speeches of the Latter. A memorable conference took place between Governor Harrison and Tecumseh at Vincennes in August, 1810. It began on the 12th of the month and lasted ten days. Tecumseh came in almost royal state, supported by seventy-five of his warriors. General Harrison was surrounded by his official staff, and attended by a guard of twelve men. General Gibson, secretary of the territory, was also present. The principal matter under consideration was the cession by treaty at Fort Wayne (1809) of certain large tracts of land, aggregating almost three million acres, lying principally southeast of the Wabash River. Tecumseh and the Prophet had repudiated the sale, arguing that those who sold the land had no right to do so; that no sale could be valid unless all the tribes concurred, on the principle that the lands were owned by them in common, and in equal interest.

The Indians were always lovers of grave ceremonial, and fond of conventions and tribal gatherings. Upon this occasion, as upon others, the time of the conference was largely taken up by Indian oratory. In one of his addresses Tecumseh used the language: "Brother, do not believe we came here to get presents from you.¹ If you offer any, we will not take them; by taking goods from you, you will

¹ It had long been customary to give the Indians belts or other ornaments, and presents of substantial value, when meeting them in conference.

hereafter say that with them you purchased another piece of land from us. . . . How can we have confidence in the white people? When Jesus Christ came upon the earth you killed him, and nailed him on a cross. You thought he was dead, but you were mistaken. You have Shakers among you and you laugh and make light of their worship. . . . The Great Spirit has inspired me, and I speak nothing but the truth to you. . . . Brother, I hope you will confess that you ought not to have listened to those bad birds who bring you bad news.”¹

Later in his speech Tecumseh said naively: “If you think proper to give us any presents, and we can be convinced that they are given through friendship alone, we will accept them. As we intend to hold our council at the Huron village, that is near the British, we may probably make them a visit. Should they offer us any presents of goods, we will not take them; but should they offer us powder and the tomahawk, we will take the powder and refuse the tomahawk.”

The governor delivered a short talk, in which he maintained that the government of the United States had treated the Indians with uniform justice, not varying this policy even when dealing with the weakest and most insignificant of the tribes. In the midst of his speech he was interrupted by Tecumseh, who directed a flow of words in his direction, accompanied by violent gesticulations. In his angry speech Tecumseh denounced the governor's statements as false, declaring that the United States had “cheated and imposed upon the Indians.” The assembled warriors also rose, armed with clubs, spears, and tomahawks, and stood in a threatening attitude. Governor Harrison did not understand the

¹ Referring to those who had reported to General Harrison the hostile purposes of Tecumseh and the Prophet.

significance of the demonstration until Tecumseh's words had been interpreted to him. Meanwhile the governor's little guard had been called into position at the instance of General Gibson, who understood the Indian language, and when quiet was restored Tecumseh was told that the council fire was quenched, and the governor would no longer have any communication with him.

The next morning, however, Tecumseh sent in his apologies, and declared that he meant no harm; that he wished everything amicably settled; and the conference was finally resumed, the great chief's attitude and speech thereafter being more respectful. Governor Harrison asked him if white men would be left unmolested if they should come to survey the land purchased at the treaty of Fort Wayne, and whether the Kickapoos would or would not receive their annuities, they having previously refused them. Tecumseh replied: "Brother, when you speak of annuities to me, I look at the land and pity the women and children. I am authorized to say that they will not receive them. Brother, we want to save that piece of land. . . . It is small enough for our purpose. If you do take it, you must blame yourself as the cause of trouble between us and the tribes who sold it to you."

The next day the governor told Tecumseh frankly that his pretensions would not be countenanced by the President of the United States. Tecumseh replied: "Well, as the great chief is to determine the matter, I hope the Great Spirit will put sense enough into his head to induce him to direct you to give up this land. It is true, he is so far off he will not be injured by the war. He may sit still in his town, and drink his wine, while you and I will have to fight it out."

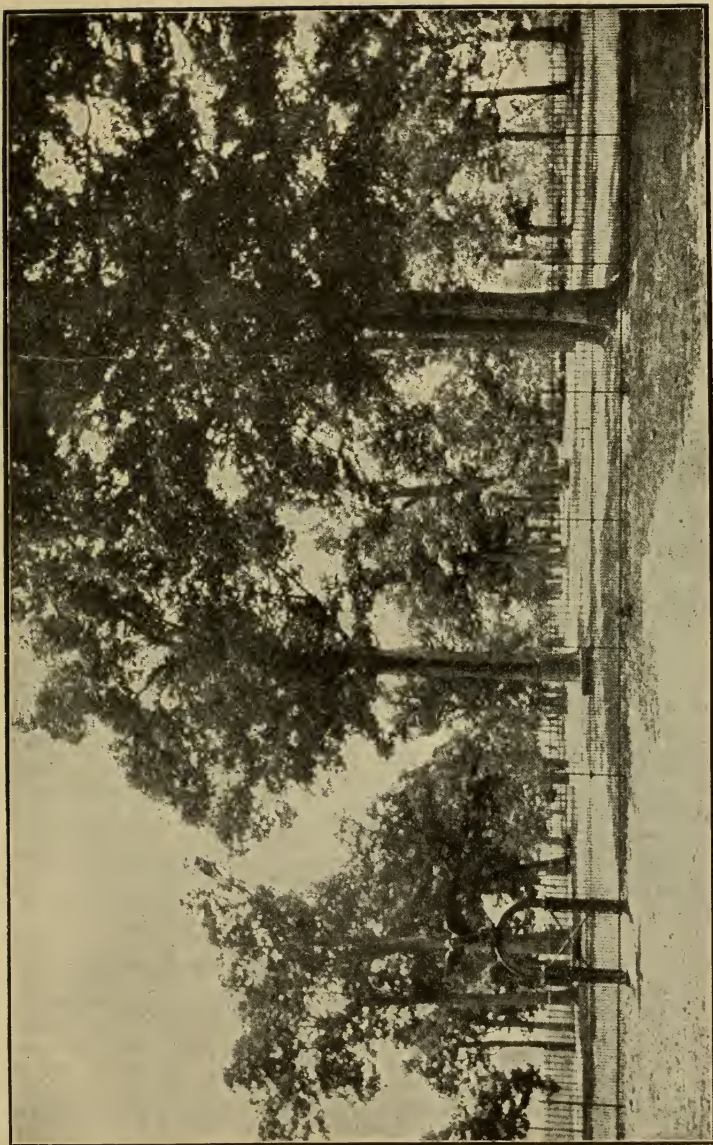
Still another conference was held in July, 1811. This time Tecumseh came with three hundred attendants, twenty or thirty of them being women and children. The presence of so large a body of Indians created great alarm at Vincennes. It is not probable, however, that an attack upon the governor or the city was contemplated, but there is some reason to believe that Tecumseh entertained a purpose to execute, in the presence of the governor and the white people assembled with him, some of the chiefs and warriors who had participated in the land sale complained of. As a matter of precaution, and to impress the Indians with the military power of the territorial government, without at the same time giving them open cause for offense, the governor made a pretext of reviewing the militia in their presence, the force consisting of seven hundred and fifty men.

At the close of this conference Tecumseh, accompanied by about twenty warriors, started on his journey southward to perfect his program of forming a great Indian Confederacy. Harrison saw that further efforts to win back the Indians were in vain, and began preparations for war. He determined to erect a new fort on the Wabash, and break up the hostile camp at Prophetstown near the mouth of the Tippecanoe, where a large body of Indians had been brought together through the efforts of the Prophet.

Erection of Fort Harrison; Battle of Tippecanoe. In September, 1811, General Harrison placed himself at the head of a small army of something over seven hundred men, and marching from Vincennes to a spot not far from where the city of Terre Haute now stands, erected a fort which was called Fort Harrison. It was completed on the 28th of October. Leaving a small garrison in charge, General Harrison resumed his march, and arrived within sight of

Prophetstown on the 6th of November. Meanwhile he had received reënforcements sufficient to bring his command up to a strength of nine hundred and ten men, two hundred and fifty of whom were regulars. Of the remainder about six hundred were Indiana militia, and the balance volunteers from Kentucky.

Refraining from an attack on the town that evening, as the Indians met him with loud protestations of their peaceable intentions, General Harrison marched his men a short distance beyond and went into camp for the night, arranging to have a conference with the Prophet the next morning. Unfortunately the camping site chosen was not an ideal one for defense. It was on high ground, fringed with trees and dense undergrowth, affording excellent facilities for the stealthy approach and treacherous attack of the lurking Indians of Prophetstown. The men were instructed to sleep with their clothes and accoutrements on, and with bayonets fixed and firearms loaded. These precautions proved most timely, for on the morning of the 7th, before it was day, the Indians attacked the camp. The onslaught was sudden and fierce, the main attack being shrewdly directed against that part of the camp occupied by the militia, and for a time consternation and confusion reigned, the guard breaking at the first fire. The troops were gradually formed into line, and the battle raged angrily in the darkness. The Americans defended themselves in their positions until it became light enough to see, when they charged with such spirit and gallantry that their assailants were sent flying from the field. The victory was decisive and complete, and of the greatest importance in its moral effect upon the Indians. The loss to the Americans was thirty-seven killed and one hundred and fifty-two wounded, of whom twenty-five after-



TIPPECANOE BATTLE GROUND

wards died of their injuries. The Indians suffered an equal loss. Their strength in the battle was variously estimated at five hundred to seven hundred and fifty warriors. Prophetstown was destroyed the next day, with all its stores. The battle took place about seven miles from where the city of Lafayette now stands, and is known to history as the Battle of Tippecanoe.¹ As a result of it the Indians were completely dispirited, and offered no further trouble until the breaking out of the War of 1812.

Tippecanoe Battle Ground Owned by State; Monument Erected. General John Tipton, who participated in the battle of Tippecanoe as an ensign in one of the companies, afterwards bought the tract of land on which it occurred and donated it to the state. And the state, in the year 1908, almost a century after the battle was fought, erected on the site an appropriate monument to commemorate the heroic deeds of her early citizen soldiery.

The Prophet Discredited. Tecumseh was not present at the battle of Tippecanoe, being in the South at the time, trying to organize a great Indian confederacy. It is said that he rebuked his brother, the Prophet, for the untimeliness of his attack. The Prophet's power over the people of the tribes, fortunately, was completely broken. He had told the braves, when urging them to battle, that the bullets of the white men would not pierce their bodies or hurt or wound them, for the Great Spirit had so declared to him. They never forgave the deception or trusted the Prophet again.

¹ "It was on the return march from the battle of Tippecanoe that the soldiers from Kentucky gathered the seed of the blue grass which they found growing in Indiana, and carried it home with them, thinking it was a superior variety, because it satisfied the hunger of their horses so that they would not eat their corn. It flourished so well on the limestone soil of central Kentucky that it made the state famous." — Julia Henderson Levering, in *Historic Indiana*.

WAR OF 1812, AND ITS EFFECT ON INDIAN RELATIONS
IN INDIANA

Indians under Influence of the British; Pigeon Roost Massacre and Attacks on Forts. Upon the breaking out of actual war between the United States and Great Britain in 1812, the Indians once more began to indulge in acts of hostility, being either in alliance with the British or incited by them. Many incursions were made upon the settlers in Indiana, and massacres and isolated murders committed.

On September 3, 1812, a massacre occurred at Pigeon Roost, in Scott County, wherein a whole settlement was practically wiped out. Twenty-four persons were killed. On the same day an attack was made on Fort Harrison and a siege maintained until the 5th of September. Captain Zachary Taylor, who afterwards became President of the United States, was in charge of the garrison at the fort, and successfully fought the Indians away until relief arrived, although one of the blockhouses was partially burned, and there was imminent danger from wholesale destruction by fire, as well as from massacre by the Indians.

In the same month an unsuccessful attempt was made to take Fort Wayne by stratagem, and a siege followed. General Harrison came to the rescue, arriving with an adequate force on September 12, when the Indians were put to flight.

General Hopkins made two expeditions against the Indians in September, 1812. On the first his troops mutinied, and nothing was accomplished. On the second he destroyed an Indian village or so, but lost a score of men. These expeditions started from Vincennes.

Battle of Mississinewa. Colonel John B. Campbell, of the regular army, entering the state from Ohio, dashed into the hostile Miami country with a force of six hundred mounted men, in December, 1812, and inflicted severe punishment. He destroyed an important town on the Mississinewa, and killed and captured a number of braves. Other Indian towns were also given a taste of his vengeance. The campaign took place at a time when it was bitterly cold, and snow lay deep upon the frozen earth. On the 18th of December, as Colonel Campbell was making preparations to return to Dayton, to avoid meeting Tecumseh with a greatly superior force, he was suddenly attacked by a large body of Indians. He repulsed them after a hard-fought battle, inflicting and suffering severe losses. The encounter took place on the Mississinewa, near the site of the present town of Jalapa, in Grant County, and is known as the battle of the Mississinewa.

Colonel John Tipton, Colonel Joseph Bartholomew, and Colonel William Russell led small bodies of men against the Indians in different parts of the state during the year 1813.

General Harrison and the Battle of the Thames; Death of Tecumseh. In September, 1813, the British were compelled to leave Detroit by the approach of General Harrison, and on the 5th of October that intrepid leader, at the head of a brave little army of Americans, defeated the British and Indians at the celebrated battle of the Thames. It was in this battle that Tecumseh, one of the greatest of all Indian warriors and statesmen, was killed. He had been in the British military service throughout the war. His twin brother, the "Prophet," who made his home in Canada for a time, but later returned to the Indian country west of the

Mississippi, drew a pension from the British government until his death in 1834.

The foregoing events practically put an end to Indian warfare in Indiana, although there were a few incursions in 1814, and occasional outbreaks of an unimportant nature for two or three years following.

Extinguishing Indian Titles; Early Land Values. Gradually their titles to lands in Indiana were extinguished, and the Indians forced to remove beyond the borders of the state. Following the treaties of 1809, however, there were no more concessions of special importance until 1816 to 1818.

Land valuations in the early times were very low as compared with the present, and considerations received by the Indians for the various large tracts relinquished by them would seem woefully inadequate if set forth here. The United States government endeavored to treat the Indians with reasonable justice in the matter of fixing standards of compensation. True, the Indians were practically forced to sell, as all hopes of their adopting civilized modes of life, or living at peace with the whites in the same community, had long since been abandoned. It was when dealing with private individuals or greedy land corporations that the Indian was mercilessly swindled. The purchase by the "Wabash Land Company," in 1775, of approximately thirty-seven and a half million acres of fertile lands lying on both sides of the Wabash, in what are now southwestern Indiana and southeastern Illinois, is a fair example. The price paid consisted of four hundred blankets, two hundred and fifty shirts, a quantity of garterings, a few pieces of ribbon, seventy-five dozen knives of different kinds, five hundred pounds of brass kettles, six hundred pounds of gunpowder, two thousand pounds of lead, four hundred

pounds of tobacco, forty bushels of salt, three thousand pounds of flour, three horses, a number of silver arm bands, wristbands, crosses, ear wheels, and earbobs, and a few other articles altogether worth a few hundred dollars. Governor Dunmore of Virginia was one of the stockholders in this thrifty land company.

Stories of Indian Captivity; Abduction of Frances Slocum; the Recollection of a Song. The history of the Indian wars, and the contending civilizations of the red man and the white, abounds in stories of adventure, of deceit and duplicity, of cruelty, and of bereavement. But the people of the present generation are so far removed from those days and nights of alarm, and the many perils of frontier life, that interest in the subject has diminished almost to the vanishing point.

Furthermore, so much history of a different kind has been made since the Indian disappeared from the scene, that the very sense of proportion in preparing a modern history must assign to him a much more limited space. But there are a few Indian stories that will live, and will bear frequent retelling, not out of malice toward a vanished race, but because of their human interest.

One of these is the story of Frances Slocum, who was stolen from her home in Wilkesbarre, Pennsylvania, when a child of six or seven years, by a band of Indians. This was in 1777. We may imagine the anxiety and distress of the parents and brothers and sisters of little Frances Slocum, when her capture became known. They sent out messengers, offered rewards, searched the forests, but all in vain. Weeks, months, years rolled by, and no tidings came. Despair followed hope, as fancy pictured the dreadful fate which often befell captives by the Indians. And life among

the cruel hordes of homeless, uncivilized wanderers, even if the child were permitted to live, would be almost as horrible as the death her loved ones feared would be her portion.

The sorrowing parents grew gray-haired and feeble and old, and finally died, as time wore on. The brothers and sisters of the missing babe grew to manhood and womanhood, and age and sorrow also laid hand upon them, and wrinkled their brows and silvered their hair before they heard tidings of the lost one. A brother and a sister were present, but escaped, when Frances was stolen.

Just sixty years from the date of the disappearance a clew came to hand through a newspaper publication by George W. Ewing, a United States agent among the Miami Indians, in northern Indiana. The article had been addressed two years earlier by Mr. Ewing, to "Any Newspaper in Lancaster, Pennsylvania," in the hope that its publication would fall under the notice of some surviving relative or friend of the long missing captive. But there was no newspaper published at Lancaster at that time, and so the faithful postmaster held the letter two years until one was started, when he delivered it to the editor. The editor, John W. Forney, published the letter, and sure enough Isaac Slocum, a brother of Frances, saw a reproduction of the article in another paper, and read it. He was then almost eighty years of age, but immediately sought out his aged sister, who with him in the long ago had scampered away to safety when the Indians caught Frances, and together they started for the wilds of Indiana to find her. They crossed the mountains, forded streams, labored over unimproved roads, and traversed the forests with only narrow bridle paths to guide them, until they came to the Miami village on the Mississinewa, not far from where the present city of Peru now stands.

And they found there the precious object of their quest. But the passing years had dealt with her as with them. She was no longer a child, but an aged woman. The Indians had adopted her at the time of her capture. She grew up among them, acquired their habits and speech, and married a brave, who shortly afterwards fell in battle and left her a widow. Later she was wedded to Sha-pah-can-nah, a Delaware chief, and it was as his wife that her brother and sister found her. A more pathetic situation than that attendant upon the meeting could scarcely be pictured. It was not a joyful, tearful, impulsive reunion, such as one would expect to see under the circumstances. There was not even recognition. Identification was made certain only by a scar on one finger of the right hand of the now grown and aged Frances, made there by an accidental blow from a hammer in the hands of her octogenarian brother, when they played together as children on the banks of the Susquehanna. She could speak no English, having forgotten the childish knowledge she once possessed of the language, and was able to converse with her brother and sister only through the aid of an interpreter.

And when it came time for the brother and sister to return to their home in Pennsylvania, they went alone, for Frances knew only the wild free life of the forests, and shrank from a return to the civilization from which she had been so rudely torn in babyhood. She loved her Indian husband, and would not consent to go away from him. She had become an Indian in habits, in taste, in the red people's peculiar taciturnity and indifference,—an Indian in all respects save blood and color. Thus it happened that though alive and found, she was not reclaimed.

In the celebrated expedition of Colonel Boquet against

the Shawnees and other hostile tribes, more than two hundred white prisoners were released and restored to civilization. Many of them had been, in captivity for long periods of time. They were brought into camp for identification by relatives and friends, and among the prisoners "husbands found their wives and parents their children, from whom they had been separated for many years." We quote the following brief description of scenes that ensued, and the story of the child recalled to recollection of her grandmother by a song, from Colonel Robert S. Robertson's *History of the Upper Maumee Valley*:

"Women, frantic with hope and fear, were running hither and thither, looking piercingly into the face of every child. Some of the little captives shrank from their forgotten mothers, and hid in terror in the blankets of the squaws that had adopted them. Some that had been taken away young, had grown up and married Indian husbands or Indian wives, and now stood utterly bewildered with conflicting emotions.

"An old woman had lost her granddaughter in the French war nine years before. Searching with trembling eagerness in each face, she at last recognized the altered features of her child. But the girl had forgotten her native tongue, and returned no answer and made no sign. The old woman complained bitterly that the daughter she had so often sung to sleep on her knee had forgotten her in her old age. Soldiers and officers were alike overcome. 'Sing,' said Boquet, to the old lady, 'sing the song you used to sing.' As the low, trembling tones began to ascend, the wild girl seemed startled, then listening for a moment longer, she burst into a flood of tears. She was indeed the lost child, but all else had been effaced from her memory save the recollection of

that sweet cradle song. The tender sensibilities were foreign, as a rule, to the Indian heart; indeed, they held such emotions in contempt; but when the song of the old lady was seen by them to touch the captive's heart and bring her again to a mother's arms, they were overcome with sympathy."

CHAPTER X

THE EARLY SETTLER

The Typical Pioneer and His Surroundings. The early settlers of Indiana were a brave and hardy race of pioneers, who came to establish homes, and to conquer a wilderness known to be infested with savage Indians, wild beasts, and deadly fevers. They probably did not realize then that while planting their rude cabins in the clearings they were at the same time laying, broad and deep, the foundations of a great commonwealth. They builded better than they knew.

The typical pioneer of those early days was hard-working and industrious. He may have been unpolished in manners and rude in speech, but beneath his rough exterior there beat a kindly heart. He never refused the hospitality of his home to a stranger or denied response to an appeal for aid. His log house, sometimes without a window in it, was heated by means of an open fireplace and lighted by a tallow dip. The household furniture was plain and scanty, and home-made. He manufactured most of his own farm tools and implements, and did the necessary repairing. As a rule, he made and cobbled his own shoes, and those of his family, and he was dressed up as much as he wanted to be when arrayed in his buckskin trousers, hunting shirt, and coon-skin cap. His neighbors helped him build up the log walls of his own cabin, and to prove his gratitude he assisted at every other house raising in the neighborhood as long as he lived.

He planted and harvested his crops of corn, wheat, potatoes, and flax in the summer time, and extended his "clearings" in the winter. He was an autocrat in the family, and exacted from his children as long as they remained under the parental roof that degree of deference which he considered his rightful due.



THE COMING OF THE IMMIGRANTS. (From an old print.)

The pioneer women were equally brave and self-sacrificing. They became so used to being in peril of their lives from the Indians and wild beasts, that a sense of security would almost have made them lonesome. They not only performed their own household work, but spun the wool and the flax, wove the cloth, and did the family tailoring, sewing, and knitting. Linsey-woolsey constituted the principal material of their own fine raiment.

There was an abundance of game in the country then, and the streams were alive with fish. The early settler had no trouble keeping up the meat supply for his family by an occasional stroll through the woods with his rifle. There were buffalo, deer, bear, wild pigeons, geese and ducks, and other game birds and animals. The pigeons were so plentiful that at times they would almost darken the sun with their overhead flight.

Forms of Recreation; Pioneer Schools and Churches. Log rollings, house raisings, wood choppings, corn shuckings, spelling bees, singing schools, dances, quiltings, shooting matches, and horse racing were the prevailing forms of recreation, and provided occasions for the principal social gatherings. The early schoolmaster and the "circuit rider" preacher were personages of great social importance in those days.

The schools and the churches constituted a very rude beginning as compared to the present state of educational and religious progress and vastly improved facilities, but the open minds and hearts of those early founders of our institutions were within themselves a sufficient compensation for the absence of luxuries and æsthetic finish to them unknown and unsuspected. A liberal policy in the matter of educational facilities early developed, and the mud-chinked schoolhouse on the knoll was as well patronized as the exigencies of "making a living" would permit. The help of sons and daughters old enough to work was usually needed on the farm and at the home until the "fall work" was done. But the backwoods school and the primitive church, with all their crudeness, were potential in forming character, and they provided the fountainhead of inspiration for many a splendid career.

Glancing Back to the Good Old Days. The latter day farmer, with his riding plows, mowing machines, self binders, steam separators, hay loaders, corn and wheat drills, telephones, turnpike roads, trolley lines, rural free-delivery routes, daily newspapers, and likely as not an automobile, would hardly recognize himself as a member of the fraternity if he could be carried back for a peep into those good old days of the beginnings of things in Indiana.

The early settlers suffered much from malarial troubles and fever and ague. For a time the state bore the reputation of being unhealthful, but deserved it no more than any other unimproved level forest country. With the forests cleared away, the swamps drained, and the lands reduced to cultivation, these early causes for complaint disappeared, and Indiana long has been one of the most healthful states in all the Union.

The pioneer settlers in Indiana came principally from Kentucky, Virginia, the Carolinas, and the New England states. Many of the early French settlers also remained. In later years New York, Pennsylvania, and Ohio furnished many immigrants.

All found a hearty welcome, and to their industry, devotion, and patriotic enterprise, succeeding generations, inheriting the fruits of their toil and sacrifice, owe a debt of gratitude impossible of repayment otherwise than by leading lives of good citizenship and practicing a like devotion to the government and institutions which they founded.

CHAPTER XI

PROGRESS UNDER STATEHOOD

JONATHAN JENNINGS THE FIRST GOVERNOR (1816-1822)

Governor Resigns to Accept Election to Congress. Jonathan Jennings, who had the honor of being the first governor of the state of Indiana, assumed office in December, 1816. He was reelected in 1819 for a second term, and served until September 18, 1822, when he resigned to accept election to Congress at the hands of the voters of the second district. Jennings's example thus early presented of resigning the chief executive's office to accept congressional or senatorial honors was followed by four other governors, the last being Oliver P. Morton. Ratliff Boon, who was chosen lieutenant governor at the election of 1819, assumed the governor's duties for the few remaining days of Jennings's unexpired term.



JONATHAN JENNINGS

The First Legislature; Territorial Laws Continued in Force. The first legislature under the new constitution convened at Corydon in November, 1816. The old territorial laws were temporarily continued in force and a few new measures enacted. It is interesting to note that according to the latest revision of the territorial statutes, which took place in 1807, there were four capital offenses, that is, offenses punishable by death, to wit: treason, murder, arson, and horse stealing. Other penalties provided for crimes of lower grades and for misdemeanors, included imprisonment, fines, whipping, standing in the pillory, disfranchisement, and binding out to labor for a term of years.

The First State Bank. In 1817 the bank at Vincennes was made the state bank, and authorized to establish a number of branches. This first state bank was short-lived, however, its charter being revoked in 1821 because of mismanagement and reckless financiering.

Question of Fugitive Slaves. In 1817 Governor Jennings received a communication from the governor of Kentucky complaining that Kentucky owners of fugitive slaves escaping into Indiana were unable to recover them because they were concealed and protected by Indiana officers and citizens. The communication was referred to the legislature, which investigated through a committee, and reported by resolution that, in their opinion, the governor and legislature of Kentucky were being imposed upon by complaints of unscrupulous persons who had been thwarted in attempts at man-stealing — that is, claiming negroes in Indiana and attempting to carry them away as fugitive slaves when they were free, and owed no servitude to anybody. The answer was perhaps a just one, and based largely upon truth, yet there are ample evidences that the underground railroads

in Indiana began doing business at a very early period in the state's history.

Lieutenant Seeks to Supplant the Governor. In 1818 the President appointed Governor Jennings to membership on a commission to negotiate with the Indians, and while he was absent in the performance of this duty, Lieutenant Governor Harrison attempted to oust him from the governorship. He relied upon the constitutional provision that no person holding office under the United States should be eligible to hold the office of governor. The legislature at first recognized Harrison, and it looked as if his usurpation might succeed, but after an investigation the case was decided against him. He thereupon resigned his office as lieutenant governor, and in 1819 became a candidate against Jennings for reelection, but was overwhelmingly defeated.

Commission to Locate a Permanent Capital. In 1820 the legislature appointed a commission to select a location for a permanent state capital. On the 7th of June the commission reached an agreement, and the "city of Indianapolis" was planned to be built upon a spot chosen near the geographical center of the state.¹ And notwithstanding the fact that the nearest store was at Connersville, on the White Water, nearly sixty miles away, the dream of the city in the wilderness came true, as modern Indianapolis will gladly testify. The seat of government was not removed from Corydon to Indianapolis until 1825. The ground upon which the new city was to be built was donated from public lands by Congress, the grant consisting of four sections.

¹ There is a marked similarity between Indianapolis and Washington, D. C., which is accounted for by the fact that Alexander Ralston, a Scotchman, who laid out the streets and public grounds of Indianapolis, had also assisted in making the surveys for Washington. Indianapolis, in short, is modeled after the national capital, and is scarcely less beautiful.

New State Financially Embarrassed; Panic of 1821 and Causes. Governor Jennings called a special session of the legislature in November, 1821, "to provide for the interest on the state debt, and a part of the principal, amounting to \$20,000." The state's embarrassment was charged in the governor's message to mismanagement of the affairs of the state bank. This banking trouble evidently contributed its full share to the panic of 1821, though much was chargeable to the era of speculation following the War of 1812.

Then the balance of trade was against the people of the state. Lacking adequate markets for their surplus products, the consumption of imported goods was greater than the value of their exports, or sales of products. The natural result was to drain the country of money. Distress was general, and confidence was not fully restored for four or five years.

Extinguishing Indian Titles. In the year 1818, by a series of treaties at St. Mary's, Ohio, the United States succeeded in purchasing nearly all the remaining Indian lands in central Indiana, south of the upper Wabash. The extensive Pottawatomie possessions, lying principally north of the Wabash, were acquired through a series of transactions, beginning in 1818 and covering a period of nearly twenty years. The work of extinguishing Indian titles continued actively from this time forward, one or more treaties being made almost every year, until 1840.

Great Seal of the State. The Great Seal of the State was adopted some time during this administration. It was authorized by an act of the general assembly in December, 1816, the act carrying an appropriation of one hundred dollars. The seal has been much criticised, as lacking both in artistic beauty and appropriateness or significance of design.

ADMINISTRATION OF GOVERNOR WILLIAM HENDRICKS
(1822-1825)

President Pro Tem. of State Senate Succeeds to Governorship. William Hendricks and Ratliff Boon were elected governor and lieutenant governor respectively, at the August election in 1822. On the 12th of February, 1825, Governor Hendricks resigned to accept election to the United States Senate, and there was no lieutenant governor to succeed him, Lieutenant Governor Boon having previously resigned. Under these circumstances James Brown Ray, president *pro tem.* of the state senate, became acting governor, serving until December 25th, the close of the term. And Mr. Ray was elected governor on his own account for the two terms next succeeding.

GOVERNOR RAY'S ADMINISTRATION (1825-1831)

Return of Prosperity. The six years of Governor James B. Ray's administration proved to be a period of unbroken prosperity. The depression setting in about the year 1820 had happily passed away, crops were good, and there were activity, hope, and buoyancy on every hand. A constant stream of immigration poured into the state, public lands were taken up by *bona fide* settlers, and trade and commerce flourished and expanded. During this administration most of the land still belonging to the Indians was relinquished by them to the government, the Indians in large numbers being induced at the same time to remove from the state.

Visit of General Lafayette. An important event in Governor Ray's administration was the visit to the state in 1825 of General Lafayette. The city of Indianapolis being

newly laid out, and inaccessible for want of railroad facilities, Lafayette was entertained at Jeffersonville, on the Ohio River. "In the forest adjoining that village a feast was spread, to which the general was conducted by the state militia, and children strewed flowers in his path. At the head of the long table was an arch with the inscription, 'Indiana welcomes Lafayette, the champion of liberty in both hemispheres.'"¹

School Legislation and School Lands. Some valuable school legislation passed during the previous administration was supplemented by additional enactments in this, proving the liberality and progressiveness of early statesmen in reference to popular education. The congressional school lands belonging to the state in 1825 were estimated at 680,207 acres, worth on an average two dollars per acre.

Question of Internal Improvements; the Michigan Road. During these years the question of internal improvements engaged the earnest attention of public men and citizens. There were no railroads, and commerce and trade had to depend upon the watercourses of the state, and such public highways as were then in existence. So it is very plain that the question of improved facilities, as the country prospered and grew, early became a vital one. To add to the water facilities an elaborate system of canals was advocated and their construction finally undertaken, while turnpikes and gravel roads were projected and built, and afterwards expanded into the almost complete system of good roads we now enjoy. A public thoroughfare running from Madison, on the Ohio River, to Lake Michigan, by way of Indianapolis, was planned, and the Indians were induced to give a section of land for each mile to aid in its construction. Work was

¹ Julia Henderson Levering, in *Historic Indiana*.

begun and carried forward for a time with great enthusiasm, but the people soon learned, and to their sorrow, that everything cannot be accomplished at once; that states as well as individuals need to gauge their resources carefully before rushing into great and costly enterprises.

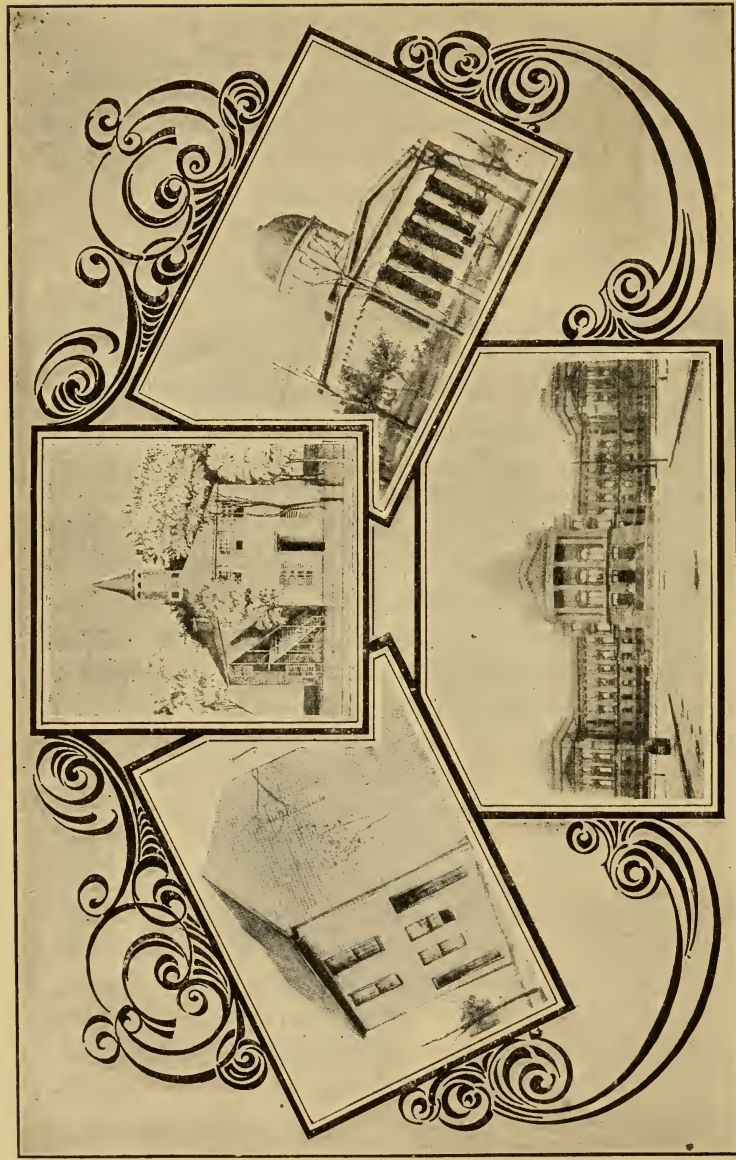
GOVERNOR NOBLE'S ADMINISTRATION (1831-1837)

Beginning of Party Politics. Noah Noble was elected governor in 1831, and reelected in 1834, serving two terms.

Party organizations in the state, corresponding to the national political alignments, began to be made prominent about this time. Governor Noble was a Whig, and his party retained its ascendancy until the election of Governor Whitcomb, a democrat, in 1843, the democratic party remaining in power from that date continuously until the election of Lane and Morton, in 1860.

A New Statehouse Built; the Present Structure. From the time of the removal of the state capital from Corydon to Indianapolis in 1825 the legislature had been holding its sessions in the Marion County courthouse. The grounds upon which the courthouse stood had been given by the legislature, and an appropriation of \$8000 was granted to aid in the construction of the building, in return for which aid the legislature reserved the right to hold its sessions in the building for fifty years. But in 1832 it was determined that the state needed and could afford a building of its own, so an appropriation of \$58,000 was made, and contracts were let at once. The structure was completed in 1835, and occupied from that date until 1888, when the present magnificent capitol building, costing \$1,980,969, was dedicated to the uses of the state government.

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CAPITOL INDIANA TERRITORY, VINCENNES. ERECTED 1806.

FIRST STATE CAPITOL, CORYDON.

STATE CAPITOL, INDIANAPOLIS.

ERECTED 1811.

ERECTED 1878-1888.

ERECTED 1832.

Boundary Dispute with Michigan. In 1834 a boundary line controversy waxed warm between Indiana and Michigan. Michigan desired the line between the two states removed some ten miles south of its present location, which is the location fixed by Congress in 1805. The change would have excluded Indiana from access to Lake Michigan except through the jurisdiction of another state, to say nothing of depriving her of a ten-mile strip of her choicest territory. Michigan's claim, accordingly, was resisted through every resource of fact and logic. Congress finally settled the question (1836) by confirming the present boundary, but extended Michigan's territory into the Lake Superior region.

Vast System of Internal Improvements. Governor Noble was an advocate of extensive public improvements, having been elected on a platform declaration to that effect. He early began the construction of the Wabash and Erie Canal, for the promotion of which Congress had given, in 1827, a large and valuable grant of land. This canal was to connect Lake Erie with the Wabash River, at a point below which the river would be navigable; and in 1836, a general system of internal improvements having been agreed upon, consisting of canals, railroads, and turnpikes, covering almost the entire state, bonds were issued and sold, and contracts let. Then ensued an era of great prosperity. There was employment for everybody at profitable wages, money was plentiful and easy to get, and a spirit of daring speculation and of general extravagance seized upon many of the people, and helped to embitter the unfortunate experiences so soon to follow. The future, with these great improvements completed, was pictured in exceedingly bright colors. It was thought by some that the revenues to be derived from the railroads and canals would not only pay for their construction, but would build up such

a surplus in the treasury of the state as to relieve the people of all burdens of taxation.

The improvements undertaken consisted of 1289 miles of roads, railroads, and canals, at an estimated cost of \$19,914,424. Bonds for many millions were issued and sold, and the state's indebtedness by 1841 had been pushed up to the appalling aggregate of \$18,469,146. The total of roads and canals completed up to that time amounted to only two hundred and eighty-one miles.

The State Embarrassed; Works Abandoned, and Compromise Made With Creditors; the First Railroad. It very soon became apparent that the state had overestimated its financial resources, and before a halt could be called had involved itself beyond its ability to pay. And to make matters worse, the pall of the great panic of 1837 descended upon the whole country, at the very time of the state's greatest embarrassment. All the works had to be abandoned, bringing bankruptcy to contractors and distress to thousands of citizens. Construction ceased entirely in 1839.

The state found itself unable to pay even the interest on its indebtedness, much less to proceed further with the improvements. It finally entered into compromise agreements with its creditors, relieving itself of a part of the debt and reducing interest charges. The creditors were permitted to take over the unfinished improvements in part satisfaction of their claims, the balance being paid in new bonds, or treasury notes. As a rule, the improvements were not completed by the new owners, and the state's vast expenditures were practically for naught. Then the securities in the nature of bonds, and certificates of stock, to possession of which the state was entitled under the compromise settlements, were not all surrendered, and afterwards attempts

were made to exact payment of them. Claims were also preferred on the grounds that the state had rendered the canal properties valueless by granting franchises to competing railroads. Finally, in 1873, after years of agitation and bitterness, an amendment to the constitution was adopted prohibiting the legislature for all time from paying any of these compromised debts, particularly that of the Wabash and Erie Canal.

Of all the vast projects undertaken by the state, the Madison and Indianapolis railroad alone was fully completed, its completion being accomplished by the assignee company to which the state surrendered it. It was the first railroad built to Indianapolis, its entrance into that city signaling the year 1847. The Wabash and Erie Canal was completed as far as Lafayette, and was extensively patronized by the people having surplus products to transport, but the receipts from tolls were not sufficient to maintain it, much less produce dividends to apply on cost of construction. The White Water Canal was completed from Lawrenceburg on the Ohio River to Connersville, and its facilities for transportation purposes availed of by the people for many years.

State's Undertaking not Wholly Unadvised. It would be very unfair for the people of this day, enjoying all of their wonderful facilities for travel and commerce and trade, to say that the vast undertakings of 1836 were wholly unadvised. The question of "internal improvements" was one of the great issues of the day, not only in Indiana but in other states, and in the country at large. The Erie Canal in New York, constructed at a cost of \$7,000,000, had proved itself a paying investment, and of vast benefit in facilitating travel, in reducing freight rates and in settling up the country. And

there were many other examples of profitable canal construction to be held up before the people by the early '30's. The work was not taken up hastily in Indiana, or without discussion. The need was great, and the people, thoroughly in earnest, thought they were prepared for whatever sacrifice was necessary to meet it. The issue had been before them for a decade or more. They could not foresee the panic conditions which set in in 1837, nor the early development of the modern railroad. In spite of the panic and the financial breakdown on the part of the state, most of the system of improvements planned would have been completed eventually, and to the incalculable benefit of the state, had it not been for the coming of the railroads. These early made the canals useless, or practically so, as their competition was impotent against the more rapid means of transit, and their construction ceased, or rather was not resumed.

The Surplus Revenue Fund. In 1836 the United States treasury found itself overburdened with a large surplus fund, for which there was no immediate or prospective need. The national debt had been extinguished, and there was no other demand to be met outside of the ordinary running expenses of the government. Hence, the question arose as to what should be done with the surplus. After much discussion Congress decided, by an act approved June 23, 1836, to deposit all the fund but \$5,000,000 with the several states, proportioning it among them on the basis of their representation in Congress. The total amount to be thus distributed, in four equal installments, was \$37,468,859. Three of the installments were paid to the various states, but before the fourth was due the panic of 1837 had paralyzed the government revenues, and no further distribution was ever made.

Indiana's share of the fund actually distributed amounted to \$806,254.44.¹

It was clearly the intention of the government that this transaction should be considered merely in the nature of a deposit of funds with the states, and that repayment would be required, but three quarters of a century have passed without any demand being made. And although the distribution was not an equitable one, when all sections of the country are considered, it is unlikely, after such a lapse of time, that Congress will ever exact repayment.

By an act of the legislature of 1837 it was directed that one half of Indiana's portion of this "surplus revenue fund" be distributed among the counties, in proportion to the enumeration of male citizens twenty-one years of age and over, in amounts not to exceed \$400 to any one individual, at eight per cent interest, and the other half invested in stock of the state bank. The interest on the loans, and the dividends on the bank stock, were to be turned into the common school fund.

Owing to the fact that the first two installments went to the counties and the fourth was never paid, the fund was not equally divided, the counties receiving \$537,502.96, and the bank \$268,751.48. Of the latter sum \$40,000 was used to pay interest on internal improvement bonds, and of the portion distributed to the counties a large percentage was

¹ D. H. Montgomery, in his *Student's American History*, says of the transaction: "It was styled a 'deposit,' but it was practically a gift. . . . Some states divided their share of the money among the whole population, each person getting a few shillings; others used the money to begin great systems of roads, canals, and similar public improvements. These works were seldom carried to completion, and generally ended by piling up a heavy state debt. A few states still hold and use the income of the money." All of which would indicate that Indiana, by investing her share for the benefit of her schools, is one among the very few states making a wise use of a government bounty so unwisely bestowed.

lost through bad loans, carelessness in enforcing collections, and depression in values of mortgages and other securities resulting from the panic of 1837. The portion recovered was turned over to the state bank in 1841, and this, and the original investment in stock of the bank proved so fortunate, yielding large and certain dividends, that the fund more than restored itself. With the closing of the state bank in 1859 the money was transferred to the state treasury, and reinvested through the counties for the benefit of the schools. It now constitutes a very important item of the state's magnificent common school endowment.

The State Bank of Indiana. The state bank of Indiana, which proved to be a most successful and stable institution, was chartered in 1834. The charter provided for the establishment of twelve branches, and the thirteenth was later added. The capital stock authorized was \$1,600,000, of which the state agreed to subscribe one half. It had a complete monopoly, as no other banks were permitted to operate in the state. During the panic of 1837 it was compelled to suspend specie payment temporarily, but resumed in 1842, and from that date until its charter expired in 1859 it never failed to meet all demands upon it, and enjoyed the reputation of being one of the best managed and most reliable banking institutions in the West.

Issue of State Scrip; "Red Dog" and "Blue Pup" Currency; Days of "Wildcat" Money. During the stress of its difficulties attendant upon the collapse of the internal improvement system, and the general panic which enveloped the whole country, Indiana was compelled in 1839 to resort to the expedient of issuing state scrip. The entire extent of such issue amounted to \$1,500,000. It bore six per cent interest and was receivable for taxes, but rapidly depreci-

ated until its market value was only forty to fifty cents on the dollar. It was printed on red paper, and the people derisively called it "red dog" currency. It was finally redeemed, and was worth a large premium at the last, due partly to the restoration of confidence in the financial integrity of the state and partly to the accumulated interest.

Before the panic was over merchants, plank-road contractors and others, resorted to the issuance of private scrip. It is needless to say that its circulating value also quickly fell below par, and taking their cue from the fact that it was printed mostly on blue paper, the people called it "blue pup" currency, as distinguished from the state's "red dog" currency. Much of the private scrip was redeemable only in trade, or merchandise, or toll on the plank roads. The state was flooded with "wildcat" currency in the form of depreciated paper put out by "banks of issue" in surrounding states, which drove good money out of circulation.

ADMINISTRATION OF GOVERNOR WALLACE (1837-1840)

Wallace First to Appoint Day of Thanksgiving. David Wallace was elected governor in August, 1837, and served one term. He assumed the responsibility of the governor's office just in time to receive upon his shoulders the brunt of the disasters that had overtaken his state through the panic, and the collapse of the internal improvement projects of his two immediate predecessors. He found the state debt over \$18,000,000, and carrying an annual interest charge of more than \$200,000, with no way to meet it except by sale of bonds. Notwithstanding all this Governor Wallace was the first chief executive of Indiana to appoint a day of thanksgiving — probably on the theory that the people should be thankful that matters were no worse.

ADMINISTRATION OF GOVERNOR BIGGER (1840-1843)

Samuel Bigger served one term as governor, from 1840 to 1843. His administration was a continuation of the gloom following the events just narrated.

Memorable Campaign of 1840. The summer and fall of 1840 were made memorable in Indiana by the great Harrison-Van Buren campaign for the Presidency. General William Henry Harrison, the Whig candidate, had served as governor of Indiana Territory; he was the hero of the battle of Tippecanoe, fought on Indiana soil, and his home was at North Bend, Ohio, only a few miles from the Indiana line. So in many ways he seemed very close to the people of the state, and they championed his cause with an enthusiasm scarcely equalled elsewhere. One of the biggest meetings of the whole campaign was held on the Tippecanoe battleground, near Lafayette. The Whig slogan was "Old Tippecanoe and Tyler too," John Tyler being the candidate for Vice President. Then the opposition had referred sneeringly to the fact that Harrison lived in a log cabin and drank hard cider, and this was also turned to account by his friends. He was not only "Old Tippecanoe," but he became the "Log Cabin" and "Hard Cider" candidate, and a popular idol generally. The campaign is memorable for its great parades, barbecues, public speakings and debates, as well as for the log cabin, coon skin and hard cider floats, and the campaign songs, which especially characterized it. Harrison received Indiana's electoral vote, and was elected President. The state had also given him its electoral vote in 1836, but in that year he went down in defeat.

General Harrison died a month after his inauguration, being worried to death, it was popularly believed, by office seekers.

ADMINISTRATION OF GOVERNOR WHITCOMB (1843-1848)

Governor Resigns and is Succeeded by Lieutenant Governor. James Whitcomb, politically a democrat, became governor in 1843, having defeated Governor Bigger for his second term, and was reëlected in 1846. He resigned in 1848, to accept election to the United States Senate, and Lieutenant Governor Paris C. Dunning became acting governor, serving out the unexpired term.

It was during Governor Whitcomb's administration that the compromise with the state's creditors was arrived at, whereby the Wabash and Erie Canal, together with the canal lands granted by the government, and other rights and franchises, were transferred in discharge of one half the state's indebtedness, and new bonds, at a lower rate of interest, issued for the remaining half. With this settlement confidence was restored, and the panic having spent its force, prosperity began gradually to return.

THE MEXICAN WAR

Causes and Political Significance; Reasons for Opposition.

There was much opposition in Indiana, as well as in many of the other northern states, to the war with Mexico. But when called upon, the state furnished her full quota of troops, consisting of five regiments, comprising 4470 officers and men.

The causes leading to this war may be briefly stated. In 1835 Texas seceded from Mexico, and by defeating the Mexican armies in the brief war which followed, established her independence. The movement for independence was undoubtedly instigated largely by American citizens who had settled in Texas, and once free from Mexican rule, the next thing they most desired was annexation to the United States. Southern politicians were also very desirous that annexation

be brought about, mainly in order that slaveholding territory might be extended and Southern and proslavery representation in Congress increased. The people of the North, on the other hand, did not desire the area of slave territory extended or the proslavery influence in Congress strengthened by the addition of new representatives and senators from the South. Then there was a feeling that Mexico was being crowded into a war through motives of territorial aggrandizement on the part of the American government, dominated by Southern members of Congress.

To take sides against one's own country in an international quarrel, however, is seldom a popular thing to do. Thomas Corwin of Ohio, then a senator, and one of the ablest men the country has produced, denounced the war in a great speech in the United States Senate as a war of conquest for the spread of slavery. But his historic declaration that if he were a Mexican he would greet the American invaders with bloody hands and welcome them to hospitable graves, sounded the death knell of his popularity. The attitude of too many patriotic people, even though they may have scruples on the matter of issues leading to war, can be summed up in the toast enunciated in later years: "My country ! May it ever be right, but right or wrong, my country."

Texas was annexed and admitted into the Union as a state in 1845. Her western boundary was not well defined, a wide strip of territory being claimed by both Texas and Mexico. Immediately after the act of annexation, an "army of occupation," under General Zachary Taylor, was sent to take possession of the disputed territory. Collisions with the Mexicans soon followed, and upon the first news of bloodshed President Polk issued a proclamation declaring that war existed "by the acts of Mexico."

Issues of the War Soon Decided. The battles of Palo Alto and Resaca de la Palma followed in rapid succession, and the Mexicans were driven across the Rio Grande. The advantage was followed up vigorously, and a successful invasion of Mexico begun which ended in her complete subjugation and a treaty of peace, the terms of which were dictated by the United States.

Indiana Troops Inexperienced ; Unfriendly Criticism. Very few of the Indiana troops had ever seen service, or received military training of any kind. Even their officers were volunteers. They were thus at a great disadvantage when compared with some others, especially the Southern troops, who were well drilled and trained, and generally officered by West Point graduates or experienced soldiers. But they performed gallant service and won high commendation, with one lamentable exception. This was at the battle of Buena Vista, February 22, 1847, when the second regiment under Colonel William A. Bowles broke and fled from the field. Although he entered a vehement denial, there seems little doubt that Colonel Bowles ordered the retreat. Much was made of the circumstance of the retreat by unfriendly critics, and Indiana long rested under a military stigma as a consequence. Jefferson Davis, who commanded a Mississippi regiment, and afterwards became President of the Southern Confederacy, reflected seriously upon the Indiana regiment when making a report of the operations of his own command.

In this battle the second Indiana, supporting a small battery of artillery, occupied a position far in advance of the other American troops and was exposed to a heavy fire of musketry and artillery. In the hope of finding a more sheltered position, although nearer the enemy, General Lane ordered a still further advance. The battery moved forward

to the new position, but the infantry wheeled to left and right and hurried from the field. About two hundred of these afterwards rallied and reëntered the battle, assisting gallantly in the final repulse of the Mexicans. Those who did not return to the front joined in defense of the trains in the rear. But no service they could afterwards render would wipe out the disgrace of having retired during the storm of battle, while others stood firm. It is true that the position in which they found themselves at the time of the retreat was most perilous. General Taylor, referring to the episode in his report, declared that the second regiment was "exposed not only to a severe fire of small arms from the front, but also to a murderous cross fire of grape and canister from a Mexican battery on the left."

GOVERNOR WRIGHT'S ADMINISTRATION (1849-1857)

The New Constitution. Joseph A. Wright was elected governor in 1849, and reëlected in 1852, his second term being under the new constitution, and therefore for four years.

Feeling that the state had outgrown its first constitution, and the need of many changes being apparent, the people voted affirmatively in 1850 upon a proposition to call a constitutional convention. The convention convened at Indianapolis, October 7, 1850, and continued in session until February 10, 1851. It was composed of one hundred and fifty delegates, and the wisdom of their work in framing a new constitution is generally recognized. The constitution framed and adopted by the convention was later ratified by the people at the polls, and became the fundamental law of the state. It went into effect November 1, 1851. The vote upon its adoption stood 109,319 ayes, and 26,755 nays. A separate ballot was taken on the thir-

teenth article, which resulted in its adoption by substantially the same vote.

Discriminations against the Negro. The thirteenth article forbade the coming into the state of any negro or mulatto, made contracts entered into with any such void, and provided fines against citizens who should employ or otherwise encourage negroes to remain in the state. Fines so assessed were to be set aside as a fund for colonizing any negroes already in the state, or their descendants, who should be willing to emigrate. This article was stricken out by an amendment ratified by vote of the people in 1881.

The new constitution also limited the suffrage to white voters, and provided that only white males over the age of twenty-one years should be considered in fixing the basis of representation in the general assembly. By amendments adopted in 1881 the word "white" was stricken out wherever it appeared in the constitution, thus ending discrimination between the races, and admitting the negro to the franchise and full rights of citizenship.

Important Changes Made by the New Constitution. Among the important changes made by the new constitution from the provisions of the old were: The power of appointing supreme court judges was taken from the governor, and all judicial officers were made elective by the people; the secretary, treasurer and auditor of state were made elective by the people instead of by the legislature; sessions of the legislature were made biennial instead of annual; the legislature was forbidden to pass local or special laws; a system of general banking laws was provided for and the state prohibited from becoming a stockholder in any banking or other corporation.

Passing of Old Methods of Banking. With the winding

up of the affairs of the "bank of the state" in 1865, which institution had been chartered by the legislature in 1857, the old régime of banking methods had passed.¹ Under our present system of national banks, and state institutions subject to strict regulation and examination, minus all powers of "issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed" in the constitution, the days of irresponsible and wildcat banking are happily at an end.

Important School Legislation. Some excellent school laws enacted by the legislature of 1852 were declared unconstitutional by the Supreme Court, on the alleged grounds of lack of uniformity in operation. Practically the same laws, with important additions, were reënacted in 1865, and became the foundation for our present splendid educational system.

Progress of Temperance Legislation. Governor Wright's administration was signalized by a great temperance agitation. Several local and special acts dealing with the liquor traffic were passed by the legislature of 1850, and in 1853 a general law, with local option features, was enacted. This latter fell under the condemnation of the courts on grounds of unconstitutionality, and the people, already impatient because of the evils of the traffic, seemed especially provoked at the result. So in 1854, rallying all the temperance forces of the state, and uniting all elements of opposition to the democratic party, which at its convention had declared against temperance legislation, the temperance people succeeded in electing a full state and legislative ticket on a prohibition platform. The enthusiasm was tremendous.

¹ This bank should not be confused with the "State Bank of Indiana," whose charter expired in 1859.

And when the legislature met in 1855 it proceeded to pass a state-wide prohibition law, and the governor, though a democrat, signed it. But before the task of putting it in operation had proceeded very far this law also was declared unconstitutional by the supreme court.

Largely because of the overshadowing importance now assumed by the slavery question the temperance agitation gradually subsided; but it never entirely ceased. Through spasmodic movements of different kinds, and the continuous efforts of temperance societies and parties, the agitation has been kept continually before the people for more than a hundred years. It began before the days of statehood. The evils of intemperance were especially marked in its influence upon the Indians. They would barter anything they possessed for the white man's "fire water," and it not only affected their temper, making them troublesome and dangerous to deal with, but destroyed them physically. Stronger temperance documents than the messages and state papers of some of the early governors would be hard to find.

GOVERNOR WILLARD'S ADMINISTRATION (1857-1860)

Governor Willard's Service Closed by Death. Ashbel P. Willard, democrat, was elected governor at the fall election of 1856, and assumed the duties of his office in January, 1857. He died as the result of a lingering illness on the 3d of October, 1860, and Lieutenant Governor Abram A. Hammond succeeded him as acting governor, serving out the unexpired term.

Willard's opponent in the election was Oliver P. Morton, the first gubernatorial candidate of the newly organized republican party. The new party's platform was "free men and free soil." Both Willard and Morton were orators

of great talent, and they made the campaign memorable by a series of joint debates. Morton, himself formerly a democrat, was really the organizer of the republican party in the state.

Slavery Question to the Fore; Legislature Fails to Make Appropriations. Slavery had now become the all-pervading topic of discussion, and the legislature of 1857 was so hopelessly divided on the various partisan questions growing out of it, that the members were unable to work together harmoniously on any subject. The session was wasted in bitter wranglings, and adjourned without passing an appropriation bill to meet the obligations of the state or defray the expenses of the state government. Governor Willard borrowed money to pay interest charges on the state debt, upon his faith that the legislature at its next session would reimburse the lenders, but the state institutions were compelled to close.

It fell to the duty of this legislature to elect two United States senators. The democrats had a majority on joint ballot, but could not muster a quorum within their own membership, and the republicans refused to meet with them in joint assembly for the election of senators. The democrats finally met separately and elected Jesse D. Bright and Graham N. Fitch. The next legislature, which was republican, declared this election illegal, and proceeded to elect Henry S. Lane and William M. McCarty. The United States Senate, then democratic, seated the democratic contestants, although Stephen A. Douglas and two other democratic senators voted with the republicans. A special session was called in 1858 which made necessary appropriations.

Signs of the Times; Why States Were Admitted in Pairs; Causes for Northern Indignation. By this time thoughtful men were beginning to discern the war cloud hovering upon

the national horizon, and to sense the distant though ominous rumblings of the coming storm.

For many years new states coming into the Union had been, as far as practicable, admitted in pairs, in order to maintain the balance of power in Congress between the sections holding different views on the slavery question. But by 1850 the Southern territory out of which new states could be erected was about exhausted, and the North was fast outstripping the South in population and wealth, facts which account largely for the fierce determination of Southern and slaveholding politicians to force the institution of slavery upon the new western states knocking at the door of the Union. Kansas and Nebraska were forever free territory under the terms of the Missouri Compromise, yet by the "Kansas-Nebraska Act" of 1854 it was left to the people of those territories to decide for themselves whether they should come into the Union as free or slave states.¹ This was reopening a question that had already been settled, simply in order that the slavery advocates might have another chance, and the people of the North were justly indignant. Then frequent exhibitions of brutality in enforcing the Fugitive Slave Law of 1850 helped inflame public opinion, and brought home to the people of the North in a most realistic manner the shameless evils of the slave traffic. Theretofore stories of pursuit and recapture of black people fleeing for their liberty had borne a far-away and legendary character, but with the operation of the Fugitive Slave Law, they became a dreadful reality.

The signs of the times could also be read in the division of the great Protestant church organizations into Northern and

¹ This was "squatter sovereignty," of which so much was heard in the current discussions of those days.

Southern conferences and presbyteries, the realignment of political parties, the crystallization of opposing public sentiment in the different sections, and finally the Southern intimations of disunion, which gradually became louder and bolder.

New Partisan Alignments; Birth of Republican Party. The old Whig party had practically gone out of existence, and was succeeded by the Know Nothing party, whose principal creed was opposition to foreign-born citizens and the Roman Catholic church. It won some local successes in a few states, but subsisting mainly upon prejudice and suspicion, it was too narrow for permanency or usefulness. In 1854 there was an organization known simply as the "Anti-Nebraska men," who carried a sufficient number of congressional elections to give them control of the national House of Representatives. This in reality was the beginning of the republican party, which put its first ticket in the field in 1856, headed by John C. Fremont as its candidate for President.

The attitude of the new party was opposition to the further extension of slavery; and its rapid growth and sudden accession to power at the moment of the nation's crisis is one of the political phenomena of our history.

John Brown's raid on Harper's Ferry occurred October 16, 1859, and from that date until the flames of war actually burst forth, popular excitement was at fever heat.

ADMINISTRATION OF GOVERNOR OLIVER P. MORTON (1861-1867)

Historic "Deal" that Made Morton Governor. Henry S. Lane was chosen governor in November, 1860, assumed office January 14, 1861, and resigned three days later to accept election to the United States Senate. Lieutenant Governor Oliver P. Morton at once assumed the duties of gover-

nor, and served out the term for which Lane had been elected. He then became his own successor by election in 1864.

The sending of Lane to the senate, and permitting Morton immediately to become governor, was merely the carrying out of a preëlection agreement made contingent upon the success of the republican party.¹ In 1867, after he had completed his remarkable record, and securely established his renown as Indiana's great war governor, Morton himself was elected to the United States Senate, leaving Lieutenant Governor Conrad Baker to complete his term.

The unsuccessful candidates for governor and lieutenant governor on the democratic ticket in 1860 were Thomas A. Hendricks and David Turpie.



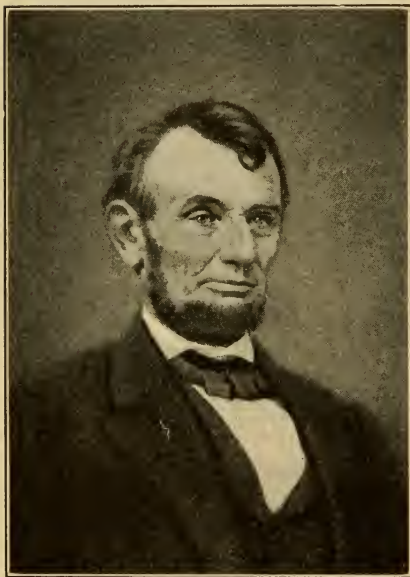
OLIVER P. MORTON

¹ Morton was very much dissatisfied with this arrangement, preferring to go to the Senate himself. Yet Lane was scarcely heard of in the Senate, while the governorship enabled Morton to perform invaluable services to his state and the nation, and determined his fame for all time. In his *Life of Morton*, W. D. Foulke relates that Morton voiced his preference at the time to one of his good old Quaker friends. "Oliver, we can't let thee go to the Senate," the Quaker replied. "Why not?" asked Morton. "Because thee is a good man for either of these places, and Henry Lane would make a good senator, but he would not make a good governor. So he must go to the Senate and thee must stay and be governor."

CHAPTER XII

INDIANA'S PART IN THE CIVIL WAR

Election of Abraham Lincoln; Secession. The national campaign of 1860 was marked by unusual excitement, and



ABRAHAM LINCOLN

bitterness, because of issues growing out of the slavery question. The great democratic party was hopelessly divided, and had three sets of candidates for President and Vice President in the field. The new republican party, on its platform of opposition to the extension of slavery, was headed by Abraham Lincoln of Illinois. This party was successful, and Mr. Lincoln was elected. The election occurred early in November, and on the

20th of December South Carolina adopted an ordinance of secession, which was the first open step in fulfillment of the Southern threat of disunion. March 4, 1861, was the date of the presidential succession, and until that time James

Buchanan continued in the Presidency. He seemed bewildered and helpless, not knowing what to do or which way to turn. In a message to Congress he took the position that a state had no right to secede, yet the government had no power under the constitution to prevent it from doing so, or to compel it to return to its allegiance.

By February 1, Mississippi, Florida, Alabama, Georgia, Louisiana and Texas had also passed ordinances of secession, and open preparations for war were being made in the South. Still the administration did nothing, or such action as it did take was in the interests of the Southern cause. The secretary of war, Southern in his sympathies, issued quiet orders transferring government arms to Southern arsenals, and the few vessels in our little navy were scattered to remote points, so they could not be got together readily for concerted action in case of emergency. Many of the regiments of the regular army were also disposed with a view to the South's advantage in the event of conflict, and Southern officers were in command.

Concern for the Country's Welfare. In the North the minds of thoughtful people were filled with grave concern for the country's welfare, and yet there were wide differences of opinion as to what ought to be done, or could be done. The thought of war was abhorrent, and its possibility scarcely entertained. Many looked upon the action of South Carolina as mere bluff and flurry, and believed she would presently return to her rightful place in the Union. Others affected to believe the country would be the gainer if she were allowed to go, asserting that she had long been a disturber in the family of states. There were those who advocated coercion of the seceding states into obedience to the laws, while others were willing to "let the erring sisters go in peace."

Voice Raised for the Union. In the midst of indecision, and the failure of the people generally to grasp the appalling significance of the events that were transpiring, and of the danger menacing the very life of the Republic, a clarion note was sounded in Indiana, which brought the country to attention. It was a challenge to patriotic citizens to face the truth, unwelcome though it be, and prepare for the stern duties of war, if necessary, to save the Union.

The voice was that of Oliver P. Morton, in an address delivered at Indianapolis, November 22, 1860. He asked the question: "What is coercion but the enforcement of the law?" And after a masterly discussion of the relations of the individual states to the Union, and of the powers and duties of the President in maintaining the authority of the government, he made use of these historic words: "If South Carolina gets out of the Union, I trust it will be at the point of the bayonet, after our best efforts have failed to compel her to submission to the laws. Better concede her independence to force, to revolution, than to right and principle. Such a concession cannot be drawn into a precedent and construed into an admission that we are but a combination of petty states, any one of which has a right to secede and set up for herself whenever it suits her temper or views of peculiar interest. . . . Shall we now surrender the nation without a struggle, and let the Union go with merely a few hard words? If it was worth a bloody struggle to establish this nation, it is worth one to preserve it. . . . We must then cling to the idea that we are a nation, one and indivisible, and that, although subdivided by state lines for local and domestic purposes, we are but one people, the citizens of a common country, having like institutions and manners, and possessing a common interest in that inheritance of glory so richly pro-

vided by our fathers. We must therefore do no act, we must tolerate no act, we must concede no idea or theory that looks to or involves the dismemberment of the nation."

The effect of this speech was to send a patriotic inspiration throughout the entire North, and from that moment a firm purpose to save the Union at any cost began to take form.

In his inaugural address on the 4th of March, 1861, President Lincoln plainly indicated his purpose to enforce the laws, and placed the responsibility for civil war, should that dreadful calamity befall, where it rightfully belonged. "In your hands, my dissatisfied countrymen, and not in mine," he eloquently declared, "is the momentous issue of civil war. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it."

How the News of Sumter Was Received in Indiana. But there was no abatement of warlike activities in the South, and on the 12th of April, 1861, the attack upon Fort Sumter, in Charleston harbor, took place.¹ With the spread

¹ The effect upon the people of Indiana of the news of the firing upon Fort Sumter is best described in a quotation from *The Soldier of Indiana*, by Catherine Merrill. "Through the long Saturday that followed, business was at a standstill; business houses were closed, and men with clenched fists and high beating hearts stood on the street corners and at the doors of telegraph offices. That night from the knobs of the Ohio to the sand hills of Lake Michigan, from Quaker towns in the eastern border to the prairie farms of the western line, the streets of Indiana were black with breathless multitudes still waiting the tidings of the seventy loyal men in an unfurnished fort, bombarded by ten thousand raging rebels. When the banner appeared, the banner which within the memory of the present generation had only idly fluttered in holiday breezes, a new meaning seemed to stream from its folds; hats were taken off, as in the presence of something sacred; and shouts beginning, it might be, brokenly and in tears, rose and swelled, and made walls and skies resound. At ten o'clock a dispatch was announced: 'Sumter has fallen.' Young men, and men in middle life, looked at white faces and wet eyes of old and venerable citizens, who stood in the street waiting for tidings, and a great stillness fell upon all. They turned to separate and

of the news that the flag had been fired upon, and an overt act of war committed against the government, apathy and hesitation disappeared. Thousands volunteered their services for military duty, and the government was urged to active measures of war. On the morning of April 15 Governor Morton, on behalf of the state of Indiana, telegraphed President Lincoln an offer of ten thousand men. On that same day the President's proclamation calling for seventy-five thousand volunteers was issued.

Military Prospects in the State. W. H. Smith in his history describes the situation in Indiana at that time, with reference to military prospects: "Indiana had been a member of the Union but forty-five years; it had a population of 1,300,000, scattered all over the state, most of them engaged in agricultural pursuits. It had no cities. Indianapolis was little more than a straggling village in the forest. The last of the Indians had been removed only twenty-four years before, so Indiana was still, in 1860, practically a frontier state. In its earlier years it had been necessary to maintain a militia, which had been continued until 1830, when there were enrolled about 52,000 men. The system then died and the arms were scattered and lost. During the war with Mexico, five regiments had been raised and sent to the field.

creep silently to their homes. Another dispatch: 'Mr. Lincoln will issue a proclamation to-morrow calling for seventy-five thousand volunteers.' Cheer upon cheer, roar upon roar responded. The white-faced old men grew red; they stamped, pounded, wept, roared with the loudest, wildest and maddest."

Goodrich says in his history: "The following Sabbath was a memorable one in the history of Indiana. The country's cause was the theme at churches; it was in the prayers, in the sermons, and in the songs. Everywhere, in every city, town and village of the state, the blessing of the God of Nations was invoked upon the President of the United States, and upon the Union."

With the return of peace, the military spirit had once more disappeared."

Indiana Responds with Men and Means; Morton's Message to the Legislature; a Marvelous Record. Nevertheless, upon the publication of the President's proclamation, and the governor's call for enlistments to fill Indiana's quota, the state was aroused into a busy hum of military ardor and preparation. Public meetings were held, recruiting stations opened, and the shrill note of the fife was borne on every breeze. In the face of the common duty, party lines, and other minor differences among the people were forgotten. Unhappily, however, such a state of harmony did not continue throughout the war.

The state fair grounds were transformed into a soldiers' camp, and within ten days more than twelve thousand men had reported at Indianapolis ready for service. The state's quota was only 4,683. Governor Morton almost immediately telegraphed the President an offer of six additional regiments, but the government, not yet realizing the serious need it would soon experience, did not accept them. It is only fair to say, however, that the government lacked the wherewithal to arm and equip even the few soldiers received under the first call. Its military establishment was small; it had few guns and few munitions, and there was a dearth of experienced leaders. Besides, the national treasury was nearly empty. The defenseless condition in which the country found itself at the beginning of the war was both disgraceful and pitiable.

Governor Morton had called a special session of the legislature, and it convened at Indianapolis, on the 24th of April, 1861. His message, transmitted on the opening day, was a remarkable state paper. It read in part: "We have passed

from the field of argument to the solemn fact of war, which exists by the act of the seceding states. The issue is forced upon us, and must be accepted. Every man must take his position upon the one side or the other. In time of war there is no ground upon which a third party can stand. . . . The struggle is one into which we enter with the deepest reluctance. We are bound to the people of the seceding states by the dearest ties of blood and institutions. They are our brothers, and our fellow countrymen. But if they regard not those tender relations, how can we? . . . The events of the last ten days are pregnant with instruction and moral grandeur. They present the action of a people who have suffered much and waited long; who were slow to take offense, and incredulous of treason and danger; but who, when the dread appeal to arms was made, and the issue could no longer be avoided with honor or safety, promptly abandoned the peaceful pursuits of life and devoted themselves to the service of their country. . . . Without distinction of party, condition or occupation, men have rallied around the nation's standard, and in every part of the state may be heard the sound of martial music and witnessed the mustering of companies into the field."

The general assembly was in entire harmony with the governor. It appropriated two million dollars with which to arm and equip troops and put the state on a war footing. Provision was made for an issue of bonds, and a new militia law was enacted. A few days later the governor sent agents to the East to purchase arms and equipage for the Indiana volunteers. Robert Dale Owen visited Europe on a like mission from the governor.

As the war progressed, the government's calls for men grew in frequency, and the numbers asked were larger in

nearly every successive call, but Indiana was always ready with her quota at the appointed time. Toward the last a very limited number of men had to be supplied by drafts. Otherwise all were volunteers. And a braver, more devoted body of men never fought in any cause. The value of their services to the Union in the time of her fearful need could not well be overestimated, and from first to last they reflected high honor upon their home state by their gallantry upon the field and the patience and fortitude with which they bore untold hardships and faced dangers and death. Indiana's soldiery participated in more than three hundred battles, and shed their blood in every state touched by the strife of that dreadful war.

From first to last the state furnished to the national service the enormous total of 196,649 men. Of this number 11,718 reënlisted as veterans, bringing the total enlistments up to 208,367. In addition there were enlisted 51,400 men for home defense, making a grand total, not counting the reënlistments, of 248,049 men, drawn from a meager and scattered population at that time of 1,350,000.¹ The proportion of soldiers to the population furnished by Indiana in the Civil war was greater than that supplied by France during Napoleon's great wars against all Europe.

Caring for the Soldiers in the Field; the Sanitary Commission. No state in the Union exercised more kindly concern for her soldiers in the field than did Indiana. Governor Morton was absolutely tireless and almost sleepless in his efforts to see that they were supplied with the very best arms and equipment, were comfortably clothed, and otherwise

¹ B. A. Gould, of the United States Sanitary Service, published the following remarkable bit of information in his report of statistics gathered during the war: "Indiana men are the tallest of all the natives of the United States, and these latter are the tallest of all civilized countries."

cared for in every possible way. He sent extra surgeons and nurses, in addition to those provided by the government, to minister to them when sick or wounded. He had special agents of the state among them at all times to ascertain and supply their needs, and many were the carloads of provisions and luxuries provided from "home" to cheer them in camp, on weary march and on the battlefield. He insisted upon bringing the sick and disabled to Indiana when practicable, to be nursed back to health. After the battle of Shiloh he chartered special steamers in which to bring the wounded Hoosier boys home. In the fall of 1861 he found the Indiana troops in West Virginia suffering for want of warm overcoats, and being unable to induce the government officials to act for their relief promptly as he wished, he contracted for nineteen thousand overcoats himself, and afterwards prevailed upon the government to pay for them. In addition to this he procured an order for ten thousand more, which were immediately furnished.

In many other instances he provided clothing and necessities, and it was through his appeal that the patriotic women of the state first began their grand work of furnishing blankets, underwear, gloves, etc., for the comfort and protection of the soldiers in the field, and pads, bandages, lint, and dressing gowns for use in the hospitals. None but the men at the front, fighting the battles of their country, will ever be able to know what a benediction such remembrances were to them, and the work was the beginning of the great Sanitary Commission, which later became a national movement, and developed into the greatest relief agency ever inaugurated in time of war.

Other states combined their sanitary commission work, but Indiana chose to keep her organization separate, and it

received from donations, for the benefit of the soldier boys of the state, a total of \$247,570 in cash and \$359,000 in goods. In addition to this the counties and townships of the state contributed over \$20,000,000 for bounties, and for the support of the soldiers' families at home.

Hoosier Boys Fought on Every Field. It is impossible in a brief history to follow Indiana's more than two hundred thousand soldiers in this war in their regimental movements, and marches and battles. They fought in Kentucky and West Virginia, and in every confederate and border state where fighting took place. They were in the skirmishes, on the long marches, and in the Titanic struggles between divisions and army corps. Quoting from a speech by General Lew Wallace: "At Shiloh, Indiana had thirteen regiments; at Vicksburg she had twenty-four; at Stone River, twenty-five; at Chickamauga, twenty-seven; at Mission Ridge, twenty; in the advance from Chattanooga to Atlanta, fifty; at Atlanta Sherman divided them so that exactly twenty-five went with him down to the sea, while twenty-five marched back with Thomas and were in at the annihilation of Hood at Nashville. What a record is thus presented! Ask Grant, or Rosecrans or Sherman, if from the beginning to the end of the operations there was a day for which they could have spared these regiments."

Indiana Extends Sheltering Wing over Kentucky; Death for Her Sons on "Dark and Bloody Ground;" Richmond and Murfordsville; Perryville. Throughout the war Indiana assumed a sort of guardianship over the destinies of Kentucky. Kentucky did not secede, but her attitude was unsteady and wavering. Her state government endeavored to maintain a so-called "armed neutrality," and to refrain from taking any part in the conflict.

Governor Morton feared if the confederates were allowed to gain a foothold the state would be induced to join her fortunes with the Southern cause, and the war would thus be brought to the very threshold of Indiana. He repeatedly urged upon the government measures for the protection of Kentucky, and the grounds for this apprehension were soon amply justified by events. In August, 1862, General Bragg made a dash into Kentucky, entering from Tennessee. He divided his forces into two wings, directing one, under General E. Kirby Smith, to proceed to the capture of Cincinnati, while he planned to lead the other against Louisville. To frustrate these designs Indiana poured more than 30,000 troops into Kentucky within a month. During the campaigns which followed, disastrous battles were fought at Richmond, Murfordsville and Perryville, in which the newly recruited and insufficiently trained Indiana soldiers suffered severely.

The battle of Richmond occurred August 30, 1862. General E. Kirby Smith commanded the confederates, while General Manson at first had charge of the Union forces, but was superseded by General Nelson before the close of the engagement. The result was disastrous, the Federal troops sustaining a loss of more than two hundred killed, and fully two thousand captured. The Indiana soldiers, constituting the principal part of the Federal force in this battle, had been in the service but ten to twenty days. They fought bravely, and if properly supported would have won a victory.¹

At the Murfordsville engagement, September 16 and 17, 1862, eight regiments and one battery were compelled to sur-

¹ General Boyle, who had charge of the campaign, said in his report: "Our troops, especially the Indianians, fought with the courage and gallantry of veterans. If Ohio and Illinois had supported Indiana, and had sent their troops on, the issue of the battle would have been different."

render. The Union troops were vastly outnumbered, but fought bravely. Colonel Dunbar was in command, having superseded Colonel Wilder. General Bragg was in personal command of the confederates.

The battle of Perryville occurred October 8, 1862, between General Bragg's command and a part of General Buell's force. It was nominally a Union victory, but very costly in human lives. The loss amounted to about five hundred killed, Indiana troops again suffering severely. These disasters were charged to mismanagement on the part of General Buell, and the news was received in Indiana with sorrow and indignation. Buell was soon afterwards relieved of his command, being superseded by General Rosecrans.

Protecting Cincinnati. A force of forty thousand men was assembled to protect Cincinnati, a large proportion of the troops being from Indiana, and General Lew Wallace, a distinguished Indiana soldier, was placed in command.¹ Preparations to receive the confederates were quickly made, and were so complete that they halted and turned back. Bragg's designs against both Cincinnati and Louisville were thus effectually defeated, and largely through the efforts of Indiana, notwithstanding the unsatisfactory results of battles on the "Dark and Bloody Grounds" of Kentucky. The resistance offered served to check the enemy's progress and demoralize his plans.

¹ The danger of early investment by confederate troops was imminent, and the mayor of Cincinnati had telegraphed the governor of Ohio, at Columbus, asking for artillery. The latter replied, telling him to have the necessary requisition made out, and properly signed by the commanding general, and it would be duly honored. But the need was too urgent for the observance of official red tape, so the mayor telegraphed Governor Morton, from whom an answer was flashed back immediately, "One battery ready, with two carloads of ammunition. Will send another train in two hours."

Marauding Raids Into Indiana From Kentucky. A number of times small bands of marauders crossing the river from Kentucky committed depredations in Indiana. In July, 1862, a band of about thirty guerrillas under Adam Johnson plundered Newburg, in Warrick County, and stole a quantity of small arms that had been stored at the hospital there. Soon after this Governor Morton sent a force across the river, which scoured the country about Henderson and scattered the guerrillas and outlaws that infested the region. In August another expedition was dispatched to Kentucky soil which performed valuable service.

In June, 1863, Indiana was invaded from Kentucky by a band of about sixty confederates under the leadership of Captain Thomas H. Hines, a subordinate officer under General John Morgan. They crossed the river not far from Cannelton, and began a destructive raid through the country, stealing horses and plundering homes and stores. Detachments of the home guard, known as the "Indiana Legion," were soon in pursuit, and the band was overtaken and "cornered" on Blue River Island, in the Ohio, as they were trying to get back into Kentucky. Hines escaped by swimming, but nearly all of his men were captured.

John Morgan's Raid. In July of the same year (1863) John Morgan's great raid through Indiana and Ohio took place. He crossed the river from Brandenburg, Kentucky, on the 8th, with 2460 men and six guns. It is supposed that he was endeavoring to clear the way for another attempt by General Bragg to capture Louisville and Cincinnati. Then the confederate officials had been led by exaggerated claims put forward by the Knights of the Golden Circle and other disloyal organizations in the state to believe that the appearance of a confederate force north of the Ohio River would

be accepted as a signal for an uprising against Governor Morton, and the Union cause generally, that would carry Indiana bodily into the Confederacy. The expectation was sadly disappointed, for when the test came not a Southern sympathizer dared raise his hand.

Morgan took up his march in the direction of Corydon, plundering and burning. Within forty-eight hours after the news of the raid reached Indianapolis Governor Morton had raised a force of 65,000 men to defend possible points of attack and pursue and capture the invaders. It was thought Morgan's design might be to march upon Indianapolis for the purpose of capturing the arsenal there, and liberating the confederate prisoners at Camp Morton. New Albany and Jeffersonville were also considered possible objects of attack, and these uncertainties made plans of pursuit most difficult.

A small force of militia, numbering about four hundred men, hastily gathered together, was placed under command of Colonel Lewis Jordan, who undertook the defense of Corydon. Jordan was easily outgeneraled, and his men were captured and paroled. Morgan then plundered Corydon, and a little later visited the same fate upon Paoli, Palmyra, and Salem. At Salem the railroad bridge was burned, and in several instances mill owners were compelled to pay large sums to save their property from being put to the flames.

By this time General Hobson at the head of a small force had crossed over from Kentucky and was in eager pursuit, while the new troops raised in Indiana were being disposed to the best advantage with a view of teaching the impudent marauders a needed lesson. Morgan, scenting danger, began a retreat. He stayed at Dupont long enough to burn two railroad bridges, destroy a section of railroad tracks, raid a

large meat-packing establishment, and generally indulge the propensities of his men for arson and plunder. It is said that when the raiders left Dupont each "Johnnie" had a fine ham slung proudly to his saddle.¹ They appropriated all the best horses along the way and left their jaded beasts behind. Moving rapidly to Versailles Morgan captured and paroled three hundred militiamen, and robbed the county treasury of several thousand dollars. Then proceeding to Sunman Station he destroyed some more railroad property, and avoiding a company of militia that looked too formidable to justify the hazard of an engagement, left the state, crossing the line near the town of Harrison. His whole band was finally killed or captured in Ohio, but not until he had traversed the state almost to the Pennsylvania line. Morgan was confined in the Ohio penitentiary but escaped, and resumed service in the confederate army.

Respects in Which Raid Was a Benefit. The effect of Morgan's raid was to unify public sentiment in Indiana as nothing else could have done. The patriotic uprising in defense of the state, and the homes of the citizens, silenced for the time being, at least, every disloyal tongue, while the failure of promised aid to the invaders by the Knights of the Golden Circle and other disloyal secret societies brought

¹ Although hams could not be said to be in the category, many articles were appropriated without rational motive. General Basil Duke relates some amusing instances: "The weather was intensely warm, yet one man rode for three days with seven pairs of skates slung about his neck; another loaded himself with sleigh bells. A large chafing dish, a bag of horn buttons, a medium-sized Dutch clock, a green glass decanter, with goblets to match, a chandelier, a bird cage containing three canaries, were some of the articles I saw borne off and jealously fondled. The officers usually waited a reasonable period, until the novelty had worn off, and then had this rubbish thrown away. Baby shoes and calico, however, were staple articles of appropriation. A fellow would procure a bolt of calico, carry it carefully for a day or two, then cast it aside and get another."

those organizations into contempt with the Confederacy, which before had expected much of them.

Over twenty-two hundred claims, aggregating \$6,497,399, were filed against the state for damages and loss of property on account of Morgan's raid. The amount allowed and paid was \$413,599.

Governor Morton Runs the State without the Legislature; Days of Gloom and Disloyalty. During the years of 1861 and 1862 the results of the war were such as to cause much gloom and discouragement, although some real progress was made. The battle of Bull Run, the first important engagement, was a federal defeat, and other reverses followed. There were frequent changes in leadership, and the armies of the Union were slow and tardy of movement. At least it seemed so from the standpoint of the great masses of the people unacquainted with military problems. Confidence was impaired, and to many the task of conquering the Confederacy seemed hopeless. Under these circumstances, and in view of the fact that the people were beginning to feel the burdens of the war, recruiting became more difficult in Indiana, and opposition developed.

The election in November, 1862, resulted in victory for the democrats, and the legislature, which had worked in such harmony with Governor Morton in 1861 and 1862, was succeeded by one that, by a majority of its membership, was hostile to him, and out of sympathy with the purposes of the war. Every question presented was given a partisan bias. Under the constitution the governor is commander-in-chief of the militia of the state, but by a bill introduced by those who were hostile to him, it was sought to take this authority from his hands and vest it in a board of state officers, which officers at that time were all of opposite political faith from

the governor, and opposed to the war. The republican members supporting the governor naturally objected to the measure, which was plainly vicious and disloyal in its purposes. They endeavored to sidetrack it, and secure the passage of the regular appropriations bill, but the democrats would not permit the appropriations to be considered until their militia bill should be enacted. The deadlock continued, and finally, to prevent the passage of the militia bill, the republican members resorted to the expedient of withdrawing in a body, and leaving the assembly without a quorum. They went to Madison, and remained in that city until the time of the session had expired by constitutional limitation. Very naturally this republican "bolt" was roundly condemned by their political opponents, notwithstanding it was only necessary to refer back to 1861 for a democratic precedent. The democrats quit the legislature in that year to break a quorum and prevent the passage of an apportionment and military bill.

Thus for the second time in its history the state was left without funds to meet its obligations, or maintain its government and institutions. When Governor Willard faced a like dilemma in 1857, the attorney general of the state sustained him in his view that he at least could pay the interest on the state debt from funds in the treasury without a specific appropriation, but the attorney general under Morton held differently, declaring such action illegal. And by irregular methods on the part of the attorney general (Hoard) and others, the question was carried to the state supreme court, which also ruled against the right of the governor to pay the interest without a legislative appropriation. The main purpose of such actions was to compel the governor to call a special session of the legislature in order that the hostile

attacks against him and his administration, and the obstructive tactics to retard the prosecution of the war, could be resumed. But on the grounds that the "history of the origin, progress and conclusion of the supreme court decision was such as to deprive it of any moral influence" the governor felt that he was justified in disregarding it, which he did. He proceeded to borrow money, on the credit of the state, from banks and individuals, and induced the war department of the government to make him a large advance from a special military emergency fund then in existence. With these resources, procured upon the faith that the next legislature would assume and pay the obligations, he not only met the interest charge on the public debt, and provided for the maintenance of the state government and institutions, but had funds to continue the military operations of the state without halt or interruption. His enemies could only look on with chagrin and amazement as he financed and managed the state without the legislature. The republicans were successful at the election in 1864, and the new legislature, which convened in January, 1865, made all necessary appropriations and paid the obligations entered into by the governor during the two preceding years.

Treasonable Secret Societies; Their Objects and Activities.

From the beginning of the war there had been some opposition in Indiana, and as the struggle dragged on and the fate of the Union continued to hang in the balance, the disloyal spirit grew bolder. It found its chief expression in the secret societies known as the Knights of the Golden Circle, the American Knights, and the Sons of Liberty. But as a matter of fact these were not different societies existing at the same time. The Knights of the Golden Circle first merged into the American Knights because of the exposure of their ritual-

istic work and treasonable designs, and the American Knights in turn were superseded by the Sons of Liberty for the same reason. The society attained its largest membership and wrought its greatest menace under the latter designation. A membership of forty thousand in this state alone was claimed for it by its officers during the latter part of 1863, and in 1864. This was overstating the facts somewhat, though at its most flourishing period the order did possess a numerical strength of perhaps twenty thousand. And the record it left is one to bring the blush of indignation and shame to the brow of every loyal citizen.

To Establish Great Southern Empire; Later Scheme for Northwestern Confederacy. The order of the Knights of the Golden Circle had its origin in the South, many years before the Civil war. The object aimed at is said to have been the conquest of Mexico, Nicaragua, and Cuba, and the establishment around the Gulf of Mexico of a great southern empire, based on slavery. There seemed to be no purpose to take any of the Northern states into the conspiracy, but during the war chapters were organized in the border states among Southern sympathizers, who acted as spies and secret emissaries for the Confederacy, used their influence to prevent enlistments in the Union army, resisted drafts and the collection of Federal taxes, and finally, when they thought themselves strong enough, endeavored to organize an insurrection in the states of Ohio, Indiana, Illinois, Missouri, and Kentucky. By this time, however, the Northern chapters, under the designation of Sons of Liberty, seem to have developed an ambition of their own, which was to sever the states of Ohio, Indiana, Illinois, Missouri, and perhaps Kentucky and Wisconsin, from the Union, and establish a great northwestern confederacy. Failing in this, they would carry any

of these states they could into the Southern Confederacy. The motive behind the disloyalty of many of the leaders in the movement was ambition for power, or the expectation of high office or position under the seceding government.

The explanation of most of the disaffection existing in Indiana is found in the fact that many of the citizens of the state were of Southern birth or descent. Their natural sympathies were with the South and her people, rather than with the East, to which they were bound by fewer ties of kinship, or of commerce and trade.

Methods of Enlisting Members; Exposure by the Governor. By its outward profession the "Sons of Liberty," as well as its predecessor, the "Knights of the Golden Circle," was a political organization formed to aid, in a perfectly legitimate way, the interests of the democratic party. Under this pretense its membership was recruited by many honest citizens who would not have countenanced any disloyal movement, but by degrees numbers of them were won over by treasonable teachings. Anybody whose political views or sympathies were in harmony with its outwardly expressed purposes could join the order, the "Outer Temple." Only those who were tried and tested and known to be "right" could belong to the "Inner Temple," or share its well-guarded secrets. Through this inner temple, or military branch of the order, arms and equipment and munitions of war were collected, and men instructed and trained for military service. The state was divided, under the Sons of Liberty, into four military districts, each being commanded by a "Major General." The order had extensive membership in Ohio, Indiana, Kentucky, Illinois, and Missouri, and in a number of other states it was well represented.

In a speech delivered after the close of the war Governor

Morton described the activities of the Sons of Liberty in this state and the final breaking up of the order. He said: "They claimed in 1864 to have forty thousand members in the state, were lawless, defiant, plotting treason against the United States and the overthrow of the state government. In some counties their operations were so formidable as to require the militia to be kept on a war footing, and throughout 1863, and until the final explosion of the organization in August, 1864, they kept the whole state in uproar and alarm. In 1864 so numerous were these treasonable organizations, and so confident were they of their strength, that they matured a plan for a general uprising in the city of Indianapolis, on the 16th of August, under cover of a mass meeting of the democratic party, attended by members of these organizations from all parts of the state. The plan as shown by the subsequent confessions of some of the leading conspirators was to release on that day about seven thousand rebel prisoners confined at Camp Morton, to seize the arsenal and arm the prisoners, overturn the state government and take possession of the state. The plan was discovered some three weeks before the time fixed, and was abandoned. Subsequently the seizure of arms and ammunition collected at Indianapolis for treasonable purposes, and of the records and rituals of the Sons of Liberty, as well as the arrest of eight of the ringleaders, had the effect of breaking up and destroying the power of the organization. In the list of the principal members of the organization were found three of the state officers into whose hands the legislature of 1863 had attempted to place the whole military power of the state. On the trial of these ringleaders before a military tribunal, appointed by the President under the act of Congress, some of them turned state's evidence and disclosed the full charac-

ter and extent of the conspiracy. Four of them were convicted and sentenced to death. One of them was pardoned outright by President Johnson, and two others, Bowles and Milligan, had their punishment commuted to imprisonment for life, but were afterwards released by a decision of the Supreme Court of the United States, to the effect that a military commission had no jurisdiction to try them."

The uprising mentioned by the governor and scheduled to take place on the 16th of August, 1864, was to have been general in Ohio, Indiana, Illinois, Missouri, and Kentucky. Confederate commissioners in Canada had helped perfect the plans, and confederate money assisted in the purchase of the supply of arms and munitions which had been smuggled into the state and concealed by the Sons of Liberty. The plan in Indiana was to seize, and if necessary assassinate, the governor. A "Committee of Ten" was especially appointed for that purpose. The detection and exposure of the infamous plot was due almost wholly to the vigilance of Governor Morton. By means of a personally conducted "secret service" he was kept informed of the meetings and plans of the Sons of Liberty at all times, and was able to checkmate them at every turn.

Trial of Conspirators. The trials before a military tribunal of the leading conspirators for their participation in the plans of insurrection began at Indianapolis, September 22, 1864. The charge against them was that of conspiracy in organizing secret societies for the purpose of overthrowing the government, seizing the arsenal, releasing confederate prisoners, coöperating with rebels, inciting insurrection, and resisting the draft. Harrison H. Dodd, a leading organizer and official in the order, and in whose possession a large quantity of arms, consigned from New York as "Sunday School books," was

found, escaped after arrest and fled to Canada. J. J. Bingham, editor of the *Indianapolis Sentinel*, turned state's evidence and escaped trial; three of the others were condemned to death, and one to imprisonment for life. But owing to a doubt which arose as to the jurisdiction of the military commission trying them, and the further fact that the war was over and a cessation of violence was desired by everybody, none of the sentences were ever fully carried out.

Expulsion of Senator Bright. A number of very prominent men were caught in the meshes of Knights of the Golden Circle and Sons of Liberty exposures. Previously a United States Senator from Indiana had been expelled (1862) from his seat in Congress because of correspondence with Jefferson Davis, which was deemed treasonable. This was Senator Jesse D. Bright. He wrote a letter to Davis in recommendation of a friend who had a new invention or improvement in firearms to sell, addressing his letter to "His Excellency, Jefferson Davis, President of the Confederation of States." This was deemed tantamount to a recognition of the Confederacy. Bright was a democrat, and Governor Morton proved his magnanimity by appointing ex-Governor Joseph A. Wright, also a democrat, to fill the vacancy. Morton received slight credit for the act, however, as Wright's colleagues charged that he had already gone over to the republicans.

Significant Events Marking the Progress of a Great War; Reasons for Popular Impatience at First. It would be hard to describe the suspense and disappointment of the people during the first two years of the war, when events moved so slowly for the Union, and there were so few victories of consequence to light up the long vista of defeats and disasters. Perhaps too much was expected, for a summary even of the first year shows the successful campaign in West

Virginia, Grant's capture of Forts Henry and Donelson, and his victory at Pittsburg Landing, leading to the capture of Corinth, to offset the loss of Fort Sumter, the Union defeat at the battle of Bull Run, and a few other minor reverses.

The second year witnessed Grant's unsuccessful attack on Vicksburg, Pope's defeat at the second battle of Bull Run, Burnside's defeat at Fredericksburg, and McClellan's fruitless Peninsular campaign, but on the other side of the ledger we find Farragut's capture of New Orleans, Lee's repulse at Antietam or Sharpsburg, and the President's proclamation emancipating the slaves.

The third year with its vicissitudes was pregnant with important results, foreshadowing the end. True, Hooker's defeat at Chancellorsville must be recorded, and the loss of the sanguinary battle at Chickamauga, but these weigh lightly in the scale as against Lee's defeat at Gettysburg, followed by the capture of Vicksburg and the opening of the Mississippi, thus cutting the Confederacy in twain. In addition there were the battle of Lookout Mountain, and Sherman's victory at Meridian, to swell the grand preponderance in favor of the Union.

Then came the fourth and final year of the war, with the celebrated campaign against Richmond, and Grant's battles in the "Wilderness," fought under a gloom that "looked like the Shadow of Death;" the encounters about Spottsylvania, so costly in human life, where Grant proposed "to fight it out along this line if it takes all summer;" Sheridan in the Valley, and his famous ride from Winchester town; Sherman's march to the sea; and finally Lee's surrender at Appomattox, when the war was over, and the Union saved, though at an appalling cost in blood and treasure.

On the Union side more than 350,000 lives were sacrificed,

and on the confederate side the loss was about two thirds as great. The expense to the Union in money aggregated three and a quarter billions of dollars.

Then followed the reconstruction period, and it has required all the intervening years to heal the wounds and remove the scars, but we are at last a reunited country, stronger, greater, and grander than ever.

End Hailed with Joy in Indiana; Some Items of Cost; the Bounty System. In no state of the Union was the end of the war heralded with greater joy than in Indiana. During the four years of its continuance it had drawn from the homes and peaceful occupations of the people close to a quarter million of the bravest and best of the male population, and the cost in money mounted high into the millions.

Of the grand army of brave fellows sent out from Indiana, 24,416 lost their lives from wounds and disease, 652 being commissioned officers, and 23,764 noncommissioned officers and enlisted men.

There were spent for local bounties in the state, to stimulate enlistments, sums aggregating \$15,492,876. These advancements, or "bounties," were not looked upon as being in the nature of bribes, but necessary provisions for the maintenance of the soldiers' families. There were many instances, however, wherein the bounty system was taken advantage of by cunning and dishonest men. They would enlist merely to secure the bounty, then desert, and reënlist under different names, and repeat the process over and over, drawing a bounty each time. To break up the practice a number were arrested, and three were finally court-martialed and shot, as an example to deter others.

The Battle of Pogue's Run. "Copperhead" and "Butternut" were opprobrious terms applied to members of the

disloyal secret societies and Southern sympathizers, who, while remaining at home, plotted against the government, and by words or deeds gave aid and comfort to its enemies.¹

The battle of Pogue's Run was the farcical ending of the Butternut conspiracy of May 20, 1863, to make an armed demonstration in Indianapolis. Members of the order of Sons of Liberty and other sympathizers with the Confederacy had come to the capital city under cover of attending a political rally of the democratic party. They came with weapons concealed upon their persons, and mingled with the crowd, prepared for concerted action upon signal of their leaders. But they were overawed and thrown into panic by the unexpected appearance at the meeting of a handful of paroled Union soldiers, and on their way out of town those who had come by train meekly submitted to disarmament by a small, self-appointed searching party. As the search of the train bound toward Cincinnati began, a veritable shower of pocket artillery, thrown hurriedly from the coach windows by the frightened "Butternuts," fell splashing into the murky waters of the little rivulet hard by, known as Pogue's Run. And notwithstanding these contributions to Jupiter Pluvius, the search of two trains resulted in the capture of more than five hundred loaded revolvers and pistols, and a large number of dangerous-looking knives, one of them being nearly two feet long. Thus on a day that was to be marked by sanguinary deeds on the part of the "Sons of Liberty" to empha-

¹ The legislature passed an act in 1865 indemnifying the officers and men of the United States army, and of the Indiana Legion, for acts done in the military service of the state, or of the United States, in enforcing the laws and preserving the peace. In case of prosecutions brought against them it was a defense to prove that the plaintiff belonged to a secret society opposed to the war, or in sympathy with the Confederacy. In the absence of such defense the limit of punishment, in case of conviction, was fixed at five dollars, without costs.

size popular disapproval of the war for the Union, "not a shot was fired or a sheathed knife drawn." Naturally very little respect was entertained thereafter for the warlike valor of the Butternuts. They became objects of ridicule, and the menace of their treasonable organizations was never afterwards quite so great.

The Welcome Home; Caring for the Soldier and His Orphans, and Honoring the Dead. The returning soldiers and sailors at the close of the war were everywhere received with gratitude and acclaim, and in an incredibly short time they were back at their old stations in the business or professional world. Truly they "taught the world a lesson before which it stands in amazement, how, when the storm of battle had passed," they could lay aside their arms, "put off the habiliments of war, and return with cheerfulness to the gentle pursuits of peace, and show how the bravest of soldiers could become the best of citizens."¹

Of course there were sorrowful exceptions in the instances of the thousands who perished in camps, on the long marches, and on Southern battlefields, and the other thousands who returned, but with shattered limbs, and maimed and disease-racked bodies. For the benefit of these the government established and maintains a liberal pension policy, and provides homes for veterans who desire to avail themselves of their shelter and comforts. One of these soldiers' homes is situated at Marion, Indiana. And the state has been generous in supplementing the efforts of the general government in caring for the soldiers and sailors and their orphans, and honoring the memories of those who gave up their lives that the nation might live. Evidences of this liberal policy are to be found in the State Soldiers' Home at Lafayette, the Soldiers' and

¹ Extract from message by Governor Morton.

Sailors' Orphans' Home at Knightstown, the Soldiers' and Sailors' Monument at Indianapolis, and the monuments marking the resting places of the dead, and the places where they fell, on the battlefields in the South.

With the Union restored, and the land again blessed with the benediction of peace, the people of Indiana were not only willing but anxious to forget the animosities of the war, and



SOLDIERS' AND SAILORS' ORPHANS' HOME

the differences that had arrayed section against section. Their patriotism was as broad as the wide-flung boundaries of the Republic. When the imposing monument erected in honor of George Washington, at Washington, D. C., was being built, during the days when the memories of the war were still green, each state in the Union was requested to supply a stone, taken from its own native soil, to enter into the construction of the great memorial. Inscribed upon the stone furnished by Indiana, in accordance with this privilege,

were the words, eloquently expressive of the state's true attitude, "Indiana knows no North, no South, nothing but the Union."

Indiana Soldiers Who Won Honors During the War and Afterwards. Among the Indiana men who won distinction in the war for the Union, General Ambrose E. Burnside,



GEN. AMBROSE E. BURNSIDE

a native of Union County, though enlisting from Rhode Island, attained to the highest rank in the service. He early displayed brilliant qualities as a soldier, and in November, 1862, the President appointed him as McClellan's successor in command of the Army of the Potomac.

Burnside accepted reluctantly, knowing the tremendous responsibilities placed upon his shoulders.

His successes, which had attracted the attention of the country, and of the President, were won with smaller bodies of men, and he modestly doubted his ability to lead so vast an army. However, his courage and resolution were equal to any undertaking, and his patriotism such that he would hazard any sacrifice in the hope of benefiting his country. Spurred on by the anxiety of the President, and the necessity of striking a

blow, as much for its moral effect upon the flagging spirits of the North as to check the progress of the Confederacy, he at once moved forward to attack Richmond, the confederate capital. But at Fredericksburg, strongly intrenched along the south bank of the Rappahannock, he encountered General Lee (Dec. 13, 1862) with his great army of veterans that had fought McClellan to a standstill at Antietam, or Sharpsburg, three months before. Burnside crossed the river and attacked, but was compelled to withdraw after one of the bloodiest battles of the war up to that time. The Union loss was nearly thirteen thousand men, and the confederate loss about half as great. Burnside's effective force in this battle consisted of 113,000 men. Lee's army was considerably smaller, but it had the advantage of being fortified and operating on the defensive.

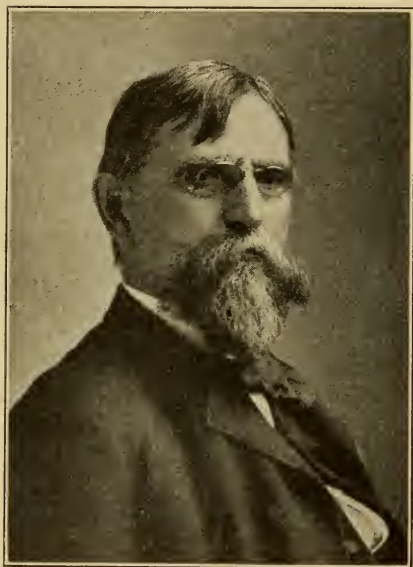
A month after the battle of Fredericksburg Burnside gave up the command of the Army of the Potomac and was succeeded by General Hooker. Hooker in turn was defeated by Lee at Chancellorsville. The great task of conquering Lee was left for Grant, the first man to be honored with the title of Lieutenant General since Washington.

General Burnside, falling back to a subordinate command, continued to perform excellent service for the cause of the Union. Returning to Rhode Island, where he had made his home since shortly before the war began, he was elected to represent that state in the United States Senate.

While the fame of General Lew Wallace rests more upon his achievements in civil life than upon his record in war, he nevertheless deserves honorable mention for patriotic service rendered to his country during the struggle to save the Union. He was commissioned a Brigadier General in September, 1861, promoted to the rank of Major General in the spring

of 1862, and continued at the front till the close of the war. From 1878-1881 he served as governor of New Mexico, and in the latter year became minister to Turkey.

Critics endeavored for a time to cast a cloud upon General Wallace's war record because of his late arrival on the first day of the battle of Shiloh, or Pittsburg Landing, April



GEN. LEW WALLACE

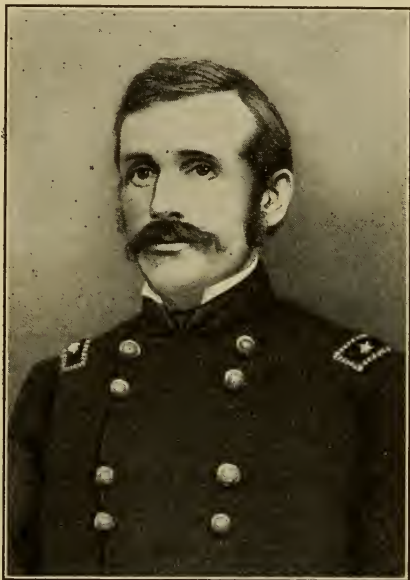
6, 1862. Investigation proved that he was waiting under instructions for orders from General Grant; that the orders were delayed, and that finally the wrong road was taken because of indefinite directions. He arrived that evening, but too late for the first day's battle. The causes were beyond his control. He participated with his men in the great struggle the next day, and no instance can be found from the

beginning to the end of the war where he shrank from any duty, however arduous, or hesitated in the face of danger. His *Ben Hur*, *Prince of India* and other literary productions rank very high, and have attained a popularity that is world-wide. The legislature of 1907 provided for the placing of his statue in the national Statuary Hall, in the Capitol

at Washington, where it occupies an exclusive position of honor by the side of the statue of Oliver P. Morton, the great war governor.¹

Brigadier General Benjamin Harrison also reflected credit upon his state by gallant service in the field, and was afterwards honored in civil life, first by being made a United States Senator (1881-1887), and second by election to the high office of the Presidency.

Major General Alvin P. Hovey, also a gallant soldier, in later years became governor of Indiana (1889-1891), and Major General Walter Q. Gresham won distinction as a jurist, and was called to Cabinet positions under two Presidents. He was first Postmaster General, then Secretary of the Treas-



GEN. P. A. HACKLEMAN

ury under President Arthur, and served as Secretary of State during President Cleveland's second term.

Brigadier General Pleasant A. Hackleman of Rush County was the only general officer from Indiana to be killed in the

¹ Under a law of Congress each state is entitled to erect two statues in this Hall and no more. (Sec. 1814, U. S. Revised Statutes.)

service. He was commissioned April 28, 1862, and lost his life October 2, of the same year. He was a brilliant and daring officer, and those who knew him well confidently expected him to make a great career.

Among the Indiana soldiers whose fame must rest wholly upon their services in the war, Major General Robert H. Milroy, Major General Joseph J. Reynolds, General Edward Canby, Brigadier General Jeff C. Davis, and Brigadier General Nathan Kimball are entitled to especial mention. Milroy won the title of the "Gray Eagle" of the army by gallant service in West Virginia. He fought in the "Valley" under Pope, campaigned in Pennsylvania and in the West, and displayed his bravery and his skill as a commander on many a field. Major General Reynolds also fought in West Virginia, and was later with the Army of the Cumberland. He commanded the fourth division under General Thomas at Chickamauga, and afterwards became chief of staff to Thomas. He was with Sheridan in the Valley, and performed gallant service wherever placed. General Jeff C. Davis was also a gallant officer, but his career was undoubtedly retarded, and perhaps dwarfed, by the unfortunate episode at Louisville in September, 1862, wherein he shot and killed General William Nelson.¹ That the act was provoked by needless insult, and

¹ The shooting took place at the Galt House, Louisville. General Nelson had been appointed to succeed General Boyle in command of the forces opposed to Kirby Smith, in Kentucky. Inquiring of Davis how many guns he needed, he received the reply, "About 2,500." Springing to his feet he shouted with an oath: "Don't you know how many men you have in your command?" Davis explained that on account of the constant receipt of new recruits he could not tell exactly, but that he would ascertain before making requisition for arms. At this Nelson cursed him again, relieved him of his command, and threatened to send him to Cincinnati under guard. Four days later, being September 30, 1862, Governor Morton of Indiana, happened to be a guest at the Galt House, and he and General Nelson were in the office at the same time. General Davis came up and,

a menacing attitude on the part of General Nelson, there were few to deny, and Davis was never tried for the deed. He afterwards participated in the Stone River campaign, was at Chickamauga, Chattanooga, and in other important engagements, and especially distinguished himself at Bentonville. Indiana also lays claim to General Edward Canby, who, though a Kentuckian by birth, enlisted from this state. He proved himself a fearless soldier and an able commander by gallantry on many fields. He aided materially in the capture of Mobile in 1865. At the close of the war he was placed in command, first of the Military Department of North and South Carolina, and later of the Department of the Gulf. He was assassinated by the Modoc Indians in 1873. Brigadier General Kimball performed gallant services both in the Mexican War and the war for the Union. He headed commands at Antietam, Fredericksburg, and in other great battles and numberless skirmishes. He was with Grant at Vicksburg, and marched with Sherman to the sea.

The state also furnished some distinguished talent to the navy. Under this head honorable mention is due Commander Napoleon Collins, born in Pennsylvania, but a

requesting Morton to listen to what he had to say, inquired of Nelson why he had been removed from his command. Nelson responded by calling him a contemptible puppy, striking him in the face and ordering him from his presence. Then turning upon Morton he accused him of being there merely to witness "this insult" to him. Later he met Morton in the hall, and with his hand in his coat pocket seemed to menace him with a pistol or other weapon. Morton, though unarmed, made a similar gesture. Davis appeared upon the scene at this time, and shouted to Nelson to stop and defend himself. Nelson faced him, and as he approached Davis fired, and Nelson fell, mortally wounded. Davis was arrested, but released soon afterwards. The tragedy created a great stir at the time, and for a while Governor Morton was accused of being an accomplice in the killing. The circumstances, when sifted, however, were such as to exonerate him.

citizen of Indiana by adoption; Lieutenant Commander William Gwin and Admiral George Brown. Upon the death of Admiral Ramsey, Brown became ranking admiral of the navy, retaining this distinguished honor until his retirement in 1897.

Campaign of 1864; Morton's Acts Legalized; Tax for Sick and Wounded Soldiers and Soldiers' Families. The political campaign of 1864 was marked by much excitement and bitterness, largely because of issues connected with the war. President Lincoln was a candidate for reelection on the national republican ticket, and General George B. McClellan was his democratic opponent. In Indiana, Oliver P. Morton and Joseph E. McDonald were the opposing candidates for governor. The republicans were especially solicitous for the success of their legislative ticket, because of the necessity of legalizing the acts of Governor Morton in his conduct of the affairs of the state during the war. The result was a triumph for the republicans in both state and nation.

At the regular session of the legislature in 1865 all loans contracted by the governor both for military and civil purposes were promptly paid, and his official acts approved. An act was passed providing for a special tax levy of three mills on each one dollar of property valuation, and one dollar on each taxable poll, for the support of soldiers' families, and of sick and wounded soldiers in the hospitals.

Important Legislation for the Schools. The session of 1865 was also especially important to the educational interests of the state. A body of school laws enacted in 1852 was almost immediately afterwards declared unconstitutional, and no further legislation on the subject had been attempted until this time. The measures adopted included the sub-

stitution of the present civil townships for the congressional townships as the basis of the common school system, and the making of each township and each incorporated city or town a distinct municipal corporation for school purposes; the creation of the office of State Superintendent of Public Instruction, and a State Board of Education; provisions for the holding of teachers' institutes; the levy of local taxes for school purposes, and a tax for township libraries; the authorization of township trustees to establish graded schools; a system of teachers' examinations. The provisions of an act of Congress passed in 1862, donating lands for the use of colleges "for the benefit of agriculture and the mechanic arts," were also accepted, a step which led to the establishment of Purdue University. At the special session called in November of this same year a law was passed providing for the establishment of the State Normal School.

Thus from 1865 dates the beginning of the modern development which has placed Indiana's system of common school and higher education not only abreast of the times, but far in advance of the best that has been accomplished by most of the states. The office of County Superintendent, marking another important step forward, was created in 1875.

CHAPTER XIII

ERA OF MODERN DEVELOPMENT

The State Moves Forward. With the close of the war a new era of development and growth immediately set in which has carried Indiana forward on its tide to a rank among the states in population, wealth, and the industries, that the most sanguine would not have ventured to predict. A splendid advancement is also shown along governmental, administrative and educational lines, and in all respects the state has kept pace with the most progressive. Including the marvelous record made in the war for the Union, the citizens of Indiana may justly be pardoned for indulging a modest pride in the achievements of the even half-century dating from 1860.

Governor Morton Resigns; Succeeded by Lieutenant Governor Baker; Indiana Man Becomes Vice President. Oliver P. Morton was elected United States senator by the legislature of 1867, and resigned the office of governor. Lieutenant Governor Conrad P. Baker served out the unexpired term and was reelected in 1868, after a close and exciting race. Thomas A. Hendricks, then a member of the United States Senate, was his democratic opponent. Baker's plurality was only 961.

General Ulysses S. Grant for President, and Schuyler Colfax of Indiana for Vice President composed the republican national ticket in 1868. Their democratic opponents were Governor Horace Seymour of New York, and General F. P.

Blair of Missouri. Grant and Colfax were elected, Indiana contributing her electoral vote to the result.



MONUMENT TO SCHUYLER COLFAX, INDIANAPOLIS

GOVERNOR BAKER'S ADMINISTRATION (1867-1873)

Political Inharmony; Fourteenth Amendment. There was much political rancor throughout Governor Baker's administration. It was in the midst of the reconstruction period and during the time of the attempted impeachment of President Andrew Johnson. The resolution for the ratification of the Fourteenth Amendment conferring the rights of citizenship upon the negro was adopted by the legislature of 1867, after a spirited contest.

Lynch Law at Seymour. Taking advantage of the disturbed condition of the times, the lawless elements in society

had become very bold, and following a series of less important outbreaks a train robbery was perpetrated at Seymour, in May, 1868. This is said to have been the first outrage of the kind occurring anywhere in the country, and as a result of the excitement and indignation that followed, the perpetrators were taken from the custody of the officers and lynched.

Legislative Battle over the Fifteenth Amendment; Fee and Salary Law. The Fifteenth Amendment to the Constitution, giving negroes the right of suffrage, came before the legislature of 1869 for ratification, and dramatic scenes immediately followed. The republicans were in the majority in both houses, but did not possess a quorum within their own membership. So to prevent the adoption of the resolution ratifying the amendment, the democratic members, numbering seventeen senators and thirty-four representatives, resigned in a body, breaking a quorum. This was early in the session, and no appropriations bill had been passed to provide for the necessary running expenses of the state. The governor immediately issued writs of election to fill the vacancies caused by the resignations, and called a special session to meet on the 8th of April. This time by agreement the republicans deferred presenting the ratification resolution until the appropriations bill and some other measures had been passed, and then the tug of war was renewed. Again the democrats resigned, but this time the governor refrained from making formal report of the fact to the presiding officers of the two houses, and on the 19th of May, as the democrats in the senate were preparing to leave, the republicans suddenly closed the doors, making them prisoners within the chamber. Thus a quorum was preserved by counting the democrats present and not voting, and the ratification reso-

lution passed. Hearing the plight of their confreres in the senate, the house democrats fled, but the speaker later ruled that a quorum was present, and the resolution was passed in that body, and declared adopted.

But with this the matter was not finally settled. At the election in 1870 the democrats succeeded in winning a majority in both branches of the legislature, and at the session of 1871 they undertook to rescind the ratification resolution. By a well-planned coup they succeeded in locking the doors on the republican senators and holding them unwilling prisoners for the purpose of preserving a quorum, while the rescinding resolution was passed by a strictly partisan vote. This time it was the republican house members who ran, exactly duplicating the scenes of 1869, with the rôle of the actors reversed, the only difference being that the governor accepted the resignation of the republicans, leaving the democrats hopelessly stranded without a quorum. In this way the rescinding resolution was defeated.

An important measure regulating the fees and salaries of the state and county officers was enacted at the session of 1871.

ADMINISTRATION OF GOVERNOR THOMAS A. HENDRICKS (1873-1877)

Mixed Election Results; Panic of 1873. In 1872 Thomas A. Hendricks, democrat, was elected governor over Thomas M. Brown, his republican opponent. The democrats also won the state superintendent of public instruction, but all the other state officers, and a majority in the legislature, were elected by the republicans. Hendricks was the first democratic governor elected in any Northern state after the war. His majority over Brown was 1148. In the Novem-

ber election which followed General Grant, republican candidate for President, carried the state against Horace Greeley, his fusion-democratic opponent, by nearly 23,000.

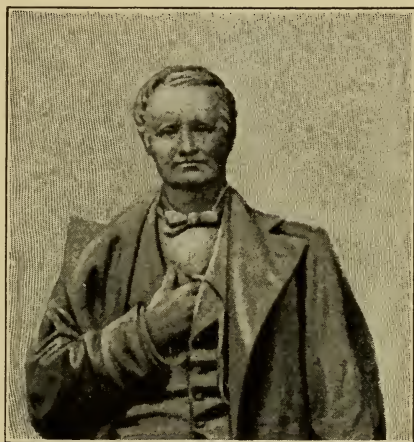
The panic of 1873 bore heavily upon many of the industries of the state, but did not seriously retard the swelling tide of prosperity and growth that set in immediately after the close of the war. There were some strikes of labor organizations, and once the governor sent a small force of militia to Logansport to quell disorders by railroad strikers, but there were no disturbances or outbreaks in the state of a serious nature.

Drastic Temperance Legislation; The Baxter Law. The session of the legislature of 1873 was signalized by the enactment of the Baxter liquor law, which was a very drastic piece of temperance legislation. To secure a license, or permit to sell liquors under the Baxter law, an applicant was compelled to file a petition containing the names of a majority of the legal voters in the ward or township in which he proposed to conduct his business. He had to give bond in the sum of \$3000, and was made liable in damages for any injury in person, property or means of support that might be suffered by any person as a result of sales of intoxicants by him, and the owner or lessor of the building occupied by the saloon was made jointly liable. It was a finable offense to sell liquor to an intoxicated person, and the person becoming intoxicated was subject to a fine.

The Baxter law was generally credited with the defeat of the republican ticket at the following election (1874). Although it was voted for almost solidly by the republican members of the legislature which passed it, it also received a number of democratic votes, and was signed by a democratic governor (Hendricks). The party vote in Indiana

was then very close, and it is possible that other causes may have entered into the result of the succeeding election. The Baxter law was repealed in 1875.

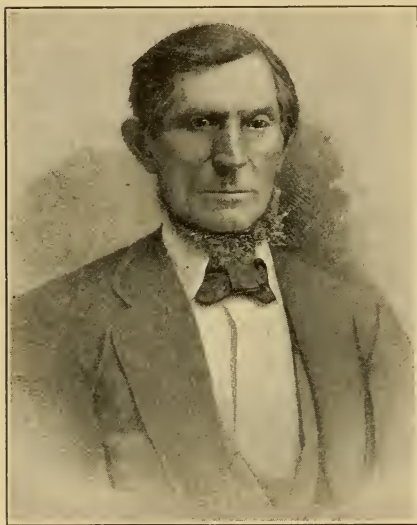
The legislature of 1875 accomplished very little that was praiseworthy, and when its time had expired by limitation it adjourned without passing the general appropriations bill. The governor immediately called a special session, which made the necessary appropriations, passed a few other measures, and adjourned after five days.



THOMAS A. HENDRICKS

Centennial Year a Year of Political Excitement; "Blue Jeans" Williams Elected Governor. The year 1876 was not only the first centennial anniversary of American independence, but it was a year of unusual political animation in both state and nation. Governor Thomas A. Hendricks was the democratic candidate for Vice President on the ticket with Presidential Candidate Samuel J. Tilden, of New York. The republican candidates were Rutherford B. Hayes of Ohio, and William A. Wheeler of New York. The democratic candidate for governor was James D. Williams. To oppose him the republicans first nominated Godlove S. Orth, who later withdrew from the ticket, and was succeeded by Benjamin Harrison. Mr. Williams was a farmer, who had

served in the legislature and in Congress, and was charged with carrying his demands for economy in public expenditures to the extreme of penuriousness. The opposition did not overlook this in their campaign criticisms, and in addition held him up to ridicule by calling him "Blue Jeans" because



JAMES D. WILLIAMS

of his plain homespun clothing. Later events did not indicate that the attacks lost Williams any votes. On the contrary his friends and partisans adopted the epithet of "Blue Jeans" as a rallying cry, and answered the republican attacks by calling Harrison the aristocratic or silk-stocking candidate. Williams was elected along with the entire democratic state ticket. The

democrats likewise secured a majority in the state senate, the republicans winning the house of representatives.

The state also gave a majority to the democratic national ticket, and excitement ran high during the long and bitter dispute which followed as to which party had won the Presidency. A commission was finally appointed by Congress, consisting of five senators, five representatives and five judges of the Supreme Court, who declared in favor of Hayes and Wheeler by a vote of eight to seven. The democrats were

far from satisfied with the commission's award, and for a long time there were loud murmurings and charges of unfair methods.

GOVERNOR WILLIAMS' ADMINISTRATION (1877-1880)

The Governor Dies in Office and is Succeeded by Lieutenant Governor Isaac P. Gray. Governor Williams assumed office in January, 1877, and died November 20, 1880. Lieutenant Governor Isaac P. Gray became acting governor for the few weeks remaining of the term.

Important Amendments to the Constitution. The legislative session of 1877 consumed much of its valuable time with political contentions and bickerings, and adjourned without passing a general appropriations bill.

It was at this session, however, that the amendments to the state constitution were first proposed, striking out the restrictions against colored voters and bringing that instrument into harmony with the federal constitution, as amended. Other amendments were also proposed as follows: Fixing qualifications of voters as to residence; providing that all general elections shall be held on the first Tuesday after the first Monday in November (doing away with October elections); providing that fees and salaries of county officers should be regulated on the basis of population; substituting the words "such other courts" for "such inferior courts" in Section I, Article VII, and limiting the power of incurring debts by municipal corporations. These amendments were again acted upon favorably at the session in 1879, and submitted to the voters of the state at an election in 1880. Not receiving the required majority of all votes cast at this election, they were resubmitted at a special election March 24, 1881, and legally adopted.

A special session was called immediately after adjournment of the legislature of 1877, and the necessary appropriations were made.

Indiana suffered to a limited extent from the great railroad strike of 1877. There were some disorders, especially in Indianapolis, but no blood was spilled or property destroyed.

Death of Oliver P. Morton. The death of Oliver P. Morton, which occurred at his home in Indianapolis on the 1st of November, 1877, caused universal sorrow. He not only had won a prominence in the state unapproached by any other citizen, but occupied a commanding position in the councils of the nation. As chief executive of the state during the crisis of the Civil war, he won the designation of the "Great War Governor." He pushed Indiana to the very front in the struggle, displaying an energy and resourcefulness unsurpassed by any other leader of the period. Opposed in his efforts by a wicked and disloyal legislature, he brushed it aside, and personally assumed all the functions of the state. But far from viewing his acts as those of a tyrant, the people sustained him, and gave him another legislature to legalize and approve his acts. He was a leading support and trusted advisor to President Lincoln and his cabinet, and bore the title of the "Soldier's Friend." In addition to his tenure as governor he was twice elected United States senator, being in the midst of his second term when he died. He was a candidate for the presidential nomination in 1876, and might have won but for the feeble state of his health. His death was caused by paralysis, from which he had been a sufferer for more than ten years. The funeral was attended by many distinguished citizens of the Republic, including senators, congressmen, high military and naval officers, and members of the cabinet. In Indiana the people regarded his death

as a great public misfortune, and as a personal sorrow, for he was greatly beloved, notwithstanding the abuse visited upon him by his political enemies.

ADMINISTRATION OF GOVERNOR PORTER (1881-1885)

Temperance Agitation; Metropolitan Police Boards. The republicans were successful in the election of 1880, and their candidate, Albert G. Porter, became the next governor. The national contest of that year commanded much special interest in Indiana because of the candidacy of W. H. English for Vice President on the ticket with General Hancock. Their successful republican opponents were James A. Garfield of Ohio, and Chester A. Arthur of New York.

At this time the temperance agitation had again become actively renewed, and a petition said to bear over two hundred thousand signatures was presented to the legislature of 1881, praying that body to pass a resolution for a constitutional amendment prohibiting the sale of intoxicating liquors. The legislature, which was republican, responded by adopting such a resolution, but it was defeated by the democratic legislature which the people returned the next year. Between the legislature of 1883 and the governor there was much conflict. It took out of his hands the appointment of a number of officers that hitherto it had been a part of the executive's prerogative to name. This legislature also inaugurated the system of metropolitan police boards, that afterwards went through so many vicissitudes, finally meeting repeal outright in 1909. The law was intended to correct political abuses in the local police administrations of the larger cities. It provided for the appointment of a board of three police commissioners, one of whom should be of opposite political faith from the other two, in

each city having a population of 29,000 or more, the appointments to be made by the governor, and the auditor, secretary, and treasurer of state. The enemies of the system contended that it was violative of the principle of home rule.

Relief of Flood Sufferers. Great floods occurred in the Ohio and Wabash rivers in February, 1883. Both streams overflowed their banks, carrying away houses and barns, inundating cities, towns and farms along their courses, and doing incalculable damage. The legislature, then in session, appropriated one hundred thousand dollars for the relief of the sufferers.

Campaign of 1884; Indiana Man Elected Vice President. In the campaign of 1884 Thomas A. Hendricks of Indiana was again the democratic candidate for Vice President, Grover Cleveland of New York being at the head of the ticket. Their republican opponents were James G. Blaine and John A. Logan. The opposing candidates for governor were Isaac P. Gray, democrat, and William H. Calkins, republican. Gray was formerly a republican, having been lieutenant governor under Governor Baker (1869-1873); he was elected lieutenant governor a second time in 1877, under Governor Williams, democrat, and upon the death of his chief in 1880 succeeded him as acting governor. As a result of the election in 1884 he became governor, winning by a plurality of 7392 votes. The democrats were successful in the national election also, Cleveland and Hendricks becoming President and Vice President.

GOVERNOR GRAY'S ADMINISTRATION (1885-1889)

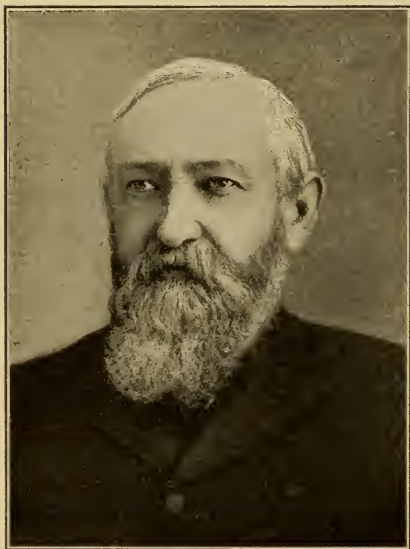
Governor Aspires to the Senate; a Peculiar Contest. Lieutenant Governor Mahlon D. Manson resigned his office in 1886 to accept a federal position, and thereby precipitated

a peculiar situation and contest. At the session of 1885 Senator A. G. Smith was chosen president *pro tem*. It so happened that a United States senator was to be elected at the session of 1887, and Governor Gray was an aspirant for the honor. Smith and his friends claimed that his election as president *pro tem* in 1885 would hold good in the session of 1887, giving him the right of succession to the governorship if that office should become vacant through the election of Governor Gray to the United States Senate, the office of lieutenant governor being already vacant. The prospect of such an outcome proved injurious to Gray's candidacy, as the leaders in the party were not favorable to the elevation of Smith to the governorship. After much discussion and many legal opinions it was decided that a lieutenant governor should be chosen by the people, at the regular election to be held in 1886. There is a statute providing for succession to the governorship in case of the death, resignation or disability of both the governor and lieutenant governor, but no provision either in the constitution or the laws for filling a vacancy in the lieutenant governor's office.

All parties placed candidates in the field, and R. S. Robertson, a republican, received a majority of the votes. As stated, the senate was democratic, and at the session of 1887 that body refused to recognize Robertson, or permit him to exercise the duties of his office by presiding over its sessions. To do so would be to put a republican in the line of succession to the governorship. The house of representatives, being republican, espoused Robertson's cause, and administered to him the oath of office as lieutenant governor. But it was all to no purpose. The senate continued to ignore him, and the house in retaliation boycotted the senate, denying to it all official recognition. And so the time of the session was

wasted. There was clearly no sanction of law for Robertson's election, and the proper procedure would have been for the legislature of 1887 to have elected a new president, who would thereby have been vested with the right of succession to the governorship.

Death of Vice President Hendricks. On the 25th of November, 1885, Vice President Hendricks died at his home



BENJAMIN HARRISON

in Indianapolis. Mr. Hendricks had been a prominent figure in the public life of the state for a third of a century, and had enjoyed high honors at the hands of the people. He served in both branches of the national legislature, was governor one term, and at the time of his death was occupying the second highest office in the gift of the people.

Campaign of 1888;

Benjamin Harrison of

Indiana Elected President; Result of State Election Mixed.

Again in 1888 the people of Indiana had reason to feel a special interest in the national campaign. Not only was the state represented on the ticket of the Republican party by one of her distinguished sons, the Hon. Benjamin Harrison, but he headed it as a candidate for the Presidency. President

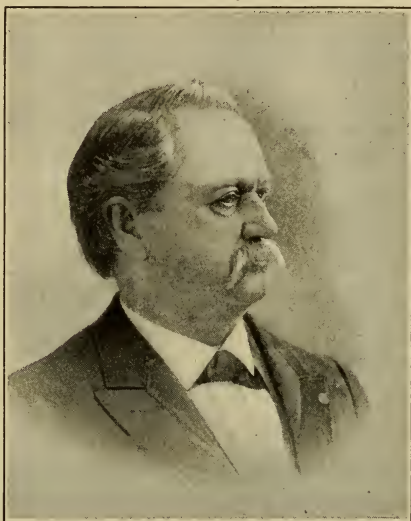
Grover Cleveland, seeking reëlection, was his democratic opponent. The republicans were successful and Harrison was elected, the result being received in Indiana with great acclaim.

General Alvin P. Hovey, the republican candidate for governor, was also elected, but the democrats were successful in returning a majority in each house of the general assembly.

ADMINISTRATION OF
GOVERNOR HOVEY
(1889-1891)

Governor Hovey Dies in Office and is Succeeded by Lieutenant Governor Ira J. Chase; Contests over Patronage.

Governor Hovey assumed the duties of his office in January, 1889, and died November 23, 1891. Lieutenant Governor Ira J. Chase at once assumed the office as acting governor, serving out the unexpired term.



GEN. ALVIN P. HOVEY

Differing in politics, contests between the executive and legislative branches of the state government were inevitable. During the session of 1889 Governor Hovey was stripped of nearly all of his official patronage, and out of the contentions and litigation which followed a supreme court decision

finally resulted, making the state geologist and chief of the bureau of statistics elective offices. Previously they had been appointive by the governor.

Australian. Ballot and Uniform Textbook Laws. The legislature of 1889 enacted the Australian ballot law, which was a much needed reform. It also enacted the law placing the selection of textbooks for use in the common schools in the hands of the State Board of Education, acting as a State Board of School Book Commissioners. This was a very useful reform in the interest of textbook uniformity, and economy to the patrons of schools, for which much credit is due.

Soldiers' and Sailors' Monument at Indianapolis; National Encampment of the G. A. R. The laying of the corner stone of the magnificent Soldiers' and Sailors' Monument, in Governor's Circle, Indianapolis, August 22, 1889, was made the occasion of a great demonstration in honor of the veterans of the Civil war. There was an outpouring of citizens from all parts of the state, and the thousands of Grand Army men joined in an immense parade. President Harrison was among the many distinguished guests present, and honored the occasion by taking a brief part in the program. The monument was built from funds provided by an appropriation of \$200,000 made by the legislature of 1887. It was designed by Bruno Schmidt of Berlin, Germany, and is constructed of Indiana stone. Its total height is two hundred sixty-eight feet. It is symmetrical in proportions, highly artistic in design, and is an object of imposing beauty as well as of patriotic interest and pride. Immense fountains in the form of cascades, fed from deep driven wells, flow from the east and the west sides. Just after the shaft had been completed, in September, 1893, the Grand Army of the Republic held its National Encampment in Indianapolis, which served as a further celebration



of the construction of the great monument. The parade, which occurred on the 4th, was one of the most imposing that had taken place since the war, or ever will be conducted by the "Boys in Blue," as Age continues to lay on his disabilities, and Death reaps an increasing annual harvest.

ADMINISTRATION OF GOVERNOR MATTHEWS (1893-1897)

Supply of Natural Gas Softens Panic in Indiana; President Harrison Defeated for Reëlection; Democrats Regain Power.



CLAUDE MATTHEWS

In 1892 the democratic party again came into power in both state and nation. President Harrison went down in defeat in his race for reëlection, ex-President Grover Cleveland being his successful competitor. Even Indiana, Harrison's own state, helped swell the democratic pluralities against him, and elected Claude Matthews governor.

For many years a period of almost unexampled prosperity had prevailed throughout the country, but a panic set in early in the year 1893, which for severity and long persistence was almost without a parallel in the country's history. Indiana, perhaps, had enjoyed even more than her share of the wonderful prosperity which prevailed prior to the panic

because of the impetus to all kinds of manufacturing industries supplied by the vast deposits of natural gas so extensively developed and exploited since the year 1886. Gas was first discovered in Indiana in 1881, but its utilization for commercial purposes dates from 1886. The field, having its center about Anderson, covered more than four thousand square miles of territory, and exceeded in extent and productiveness the gas areas of Pennsylvania, Ohio, or any other field so far discovered. The people thought the supply inexhaustible, and refused to listen to suggestions of economy or conservation. The new fuel was so cheap and abundant that it was literally supplied free to induce the location of manufacturing concerns. Many new industries, employing multitudes of men, were quickly established, and immigration to the state swelled into a continuous stream. There was an increase in the value of manufactured products of many millions, and Indiana forged well toward the front as a manufacturing community. She lost a few plants when the gas failed, but still holds the rank of tenth among the manufacturing states of the Union. It is estimated that by 1893 over \$300,000,000 had been invested in Indiana factories as a result of the boom.

The gas remained comparatively plentiful until near the close of the century, and the rigors of the industrial depression from 1893 to 1897 were greatly tempered to the people of Indiana. In other sections of the country the suffering was great.

Natural gas is now utilized in a limited way for domestic and light manufacturing purposes only. The gas area has also proved itself rich in petroleum deposits, and vast quantities of this valuable mineral are being produced in Indiana every year.

Disorders Quelled at Hammond; Winter Racing at Robey Broken Up. In 1894 it became necessary for Governor Matthews to send a small force of the state militia to Hammond to quell disorders growing out of the great Pullman car strike of that year. The governor also interfered to break up the "winter racing" and gambling resort at Robey, in Lake County, which had become notorious, and was promoted almost exclusively by the sporting fraternity of Chicago.

Republicans Successful in 1896; Prosperity for Eleven Years. The republican party regained its ascendancy in nearly all the Northern states at the election in 1896. William McKinley was elevated to the Presidency, and James A. Mount became governor of Indiana. A general industrial awakening immediately followed, and an era of great prosperity set in which continued uninterruptedly for eleven years.

The republican successes began in Indiana with the state election of 1894, when majorities were won in both houses of the general assembly for the first time since 1872. The entire congressional delegation was captured by the republicans at this election.

ADMINISTRATION OF GOVERNOR MOUNT (1897-1901)

Record of Apportionment Laws. In 1897 a new legislative apportionment law was passed, the first since 1885 that was not attacked in the courts. The law of 1885 was bitterly complained of as a democratic gerrymander. In 1893 the same party enacted another law, which was so flagrantly unjust that the supreme court declared it unconstitutional. In 1895 the republicans took a hand at the gerrymandering business, and their law was condemned by the courts. Then

they passed a fairer measure in 1897, which stood. Under the constitution the state is to be redistricted every six years, so in 1903, at the end of the six-year period, the republican legislature passed another gerrymander bill which the supreme court nullified on the grounds of unconstitutionality. Profiting by the lesson the legislature of 1905, also republican, enacted another law that proved to be more satisfactory, and was allowed to stand. Some effort was made to redistrict the state again in 1909, but the two houses of the general assembly were of opposite political faith and could not agree upon the terms of a bill.

Lynch Law in Ripley County; Sheriffs' Liability Law. In 1897 there was an outbreak of mob violence in Ripley county which startled the whole state.

On the pretext of putting a stop to an epidemic of thieving and robbery in the community a number of citizens banded themselves together, and taking five of the alleged robbers from the custody of the sheriff, hanged them. Governor Mount made a very persistent effort to secure the arrest and punishment of the perpetrators of the crime, but without success.



JAMES A. MOUNT

In 1901 the legislature passed an act providing that if a prisoner should be taken from the custody of a sheriff, or his deputy, and lynched, the office of such sheriff should immediately be vacated. The law was reënacted and strengthened in the revised code of 1905. With their positions at stake it is noted that sheriffs now give excellent protection to prisoners in their charge.

Indiana in Spanish-American War. The United States declared war against Spain, April 19, 1898, and the President issued calls for volunteers April 23, and May 25, the first for 125,000 and the second for 75,000. Indiana's quota under the first was four regiments of infantry and two batteries, and under the second, one regiment of infantry and two companies of colored troops. Total number of volunteers asked for and furnished, 7301. As in the Civil war, the state was the first to notify the War Department that her quotas were ready for marching orders. The men enlisted were practically all from the well-organized Indiana National Guard. They were enthusiastic, and eager to go to the front, but only one battery, the 27th, was privileged to reach the scene of conflict. It arrived in Porto Rico about the time Spain sued for peace. The rest of Indiana's quota were held in camps at Chickamauga, and in Virginia, waiting orders.

Duration and Purposes of the War; Results. The war lasted less than a hundred days, but in that time the United States destroyed two Spanish fleets of war and captured a Spanish army. The purpose of the war was to expel Spain from Cuba and give that island its independence. Spanish oppression and misgovernment in Cuba had been an offense to the American people for many years, and when, on the 15th day of February, 1898, the American warship *Maine* was blown up in Havana Harbor and two hundred sixty-six

officers and men were killed or injured, the public wrath would no longer be restrained. The war resulted in the liberation of Cuba, and the acquisition by the United States of the Philippines, Porto Rico and other islands. It also greatly enhanced the nation's prestige abroad, forcing the recognition, by other countries, of our position as a world power.

Death of General Lawton in the Philippines. In the military operations which later became necessary in the Philippines to quell disorder and establish American authority, General Henry W. Lawton, a gallant Indiana soldier, lost his life. He was killed while on duty, December 19, 1899. An appropriate monument to his memory was erected at Indianapolis in 1907.

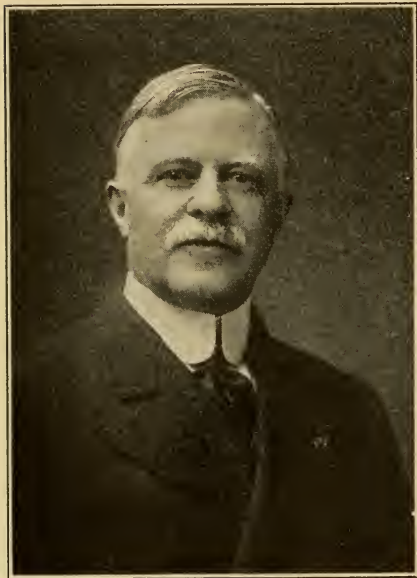
Important Laws During Governor Mount's Administration. Among the important measures enacted during Governor Mount's term of office, the County and Township Reform law, creating the County Council and Township Advisory Board, and the Compulsory Education law, are especially worthy of mention.

GOVERNOR DURBIN'S ADMINISTRATION (1901-1905)

Paying the State Debt; The Codification Commission. Colonel Winfield T. Durbin, republican, was elected governor at the November election in 1900, defeating Hon. John W. Kern, the democratic candidate. The four years of Governor Durbin's term were signalized by a continuation of the period of industrial growth and general prosperity that dated from 1897. It was a sound and economical business administration, marked by large payments on the fast dwindling state debt.

At the close of the administration the outside or foreign

debt of the state amounted to only \$805,615.12, and on none of it was payment due until May 1, 1915. The amount is payable, at the option of the state, on or after May 1, 1910. Indications are that the debt will be entirely wiped out before the date of its maturity. In addition the state owes \$340,000 on account of Purdue University bonds, \$144,000



WINFIELD T. DURBIN

on account of Indiana University bonds, and \$100,000 of State Fair Pavilion bonds. The university bonds are payable any time, and the pavilion bonds in 1910.

In 1903, complying with an act of the General Assembly, Governor Durbin appointed a commission to codify the laws of the state relating to public and private corporations, and highways and drainage, and such other laws as the commis-

sion might deem advisable.¹ The commission made its report to the legislature of 1905, and most of its recommendations were accepted and enacted into law.

¹ The members composing this commission were: Judge M. A. Chipman, Anderson; Judge T. E. Howard, South Bend; and Secretary of State Daniel E. Storms, acting *ex officio*.

Indiana at the Louisiana Purchase Exposition. In 1904 one of the greatest international expositions ever held took place at St. Louis, Missouri, in commemoration of the one hundredth anniversary of the purchase by the United States of Louisiana Territory. Not alone from motives of national patriotism, but because of the intimate associations of the state's early history with the original French claims under the name of Louisiana, was it highly appropriate that Indiana should take some special note of the occasion. Accordingly the legislature of 1903 appropriated \$150,000 for use in the erection of a suitable building on the exposition grounds, and to provide for the state's appropriate representation. Exhibits illustrating the state's various natural resources, the progress of her people in the industries, in education, and in the arts and sciences were installed. The representation was in every way highly creditable, and attracted wide and favorable attention.

Death of Ex-President Harrison. Ex-President Benjamin Harrison died at his home at Indianapolis on the 13th of March, 1901. Although he had suffered a protracted illness, and the end was expected, the news was everywhere received with expressions of deepest sorrow. General Harrison was not only the most distinguished citizen of the state, but for many years had been a leading figure in the political life of the nation. He was a senator from Indiana from 1881 to 1887, and President of the United States from 1889 to 1893. He also had a military record, having served his country in the field during the war for the Union. By successive promotions in the service he attained to the rank of Brigadier General.

While General Harrison was popularly reputed to be lacking in those qualities of personal magnetism thought to be

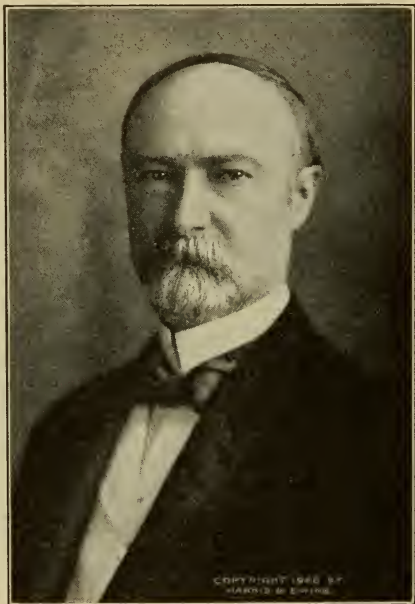
essential to success in public life, he nevertheless was greatly beloved, and enjoyed the respect and confidence of the people to an eminent degree, regardless of faction or party. No man possessing a superior mentality or more scholarly attainments ever occupied the executive chair of the nation. His administration was marked by efficiency and high ideals in government, and unbounded prosperity and public tranquility reigned throughout. There was nothing to indicate popular disapproval, or a lack of public confidence, and yet he was defeated for reelection. The real cause for this defeat has never been understood, and it will doubtless continue among the psychological mysteries of American politics.

Governor Durbin issued his proclamation requesting a suspension of all business activities while the body of the ex-President lay in state at the Capitol on the 16th. By a proclamation President McKinley directed the flags on the Executive Mansion at Washington, and all government buildings, displayed at half-mast for a period of thirty days. The funeral, which occurred on the 17th, was one of the most notable ever held in the state. President McKinley, with members of his cabinet and other distinguished visitors, including members of the cabinet which had surrounded the deceased during his term of office, were present. The distinguished dead was laid to rest in Crown Hill Cemetery, with military and naval honors. A highly fitting inscription carved upon the monument erected to his fame in University Park, Indianapolis, is an expression from one of his own matchless orations: "Great lives do not go out — they go on."

Landslide Victories for the Republicans in 1904; Mr. Fairbanks Becomes Vice President. Again in 1904 Indiana found herself especially interested in the national campaign,

one of her talented sons, the Honorable Charles W. Fairbanks, having been nominated for Vice President on the republican ticket. Colonel Theodore Roosevelt of New York, who as Vice President had succeeded to the Presidency upon the death of William McKinley, headed the ticket. Their democratic competitors were Alton B. Parker of New York and Henry G. Davis of West Virginia. In the gubernatorial campaign the republican ticket was headed by J. Frank Hanly, and the democratic ticket by John Worth Kern.

The campaign was fought out almost wholly on national issues. The republicans were united upon the protective tariff policy, the gold standard as the proper remedy for existing monetary evils, and in indorsement of the territorial expansion



CHARLES W. FAIRBANKS

policy growing out of the war with Spain. The democrats were divided on the monetary and expansion questions, and their ranks were torn by party dissensions. Then times were good, and the republicans, having been in power for eight years, claimed the credit. The result was a

landslide in their favor. Roosevelt and Fairbanks carried thirty-two of the forty-five states, and received 336 out of the 476 votes in the Electoral College. Their popular plurality of 2,536,282 surpassed all previous records. Hanly, the republican candidate for governor, was elected by the unprecedented plurality of 84,364 votes. Previously a plurality of twelve to twenty thousand was considered a decisive vote.

GOVERNOR HANLY'S ADMINISTRATION (1905-1909)

An Eventful Administration. Governor Hanly's term of office was crowded full of events compelling public attention. It will be written down as a notable period in the history of the state, because of the administrative and legislative reforms instituted, and on account of the inharmonious relations that developed between the governor and the legislature, and within the ranks of the republican party, causing its defeat at the next quadrennial election.

The Anti-Cigarette Law and Charges of Bribery. At the legislative session of 1905 a law was enacted prohibiting the manufacture or sale of cigarettes within the state. It originated in the senate, and when, after passing that body, it was up for consideration in the house, representative Annanias Baker rose to his feet and, waving an envelope dramatically above his head, declared it contained one hundred dollars given to him by an emissary of the American Tobacco Company as a bribe to vote against the bill.¹ He later

¹ The subsequent history of this sum of money is interesting. It was in the form of five twenty dollar bills, and was placed in the hands of the Marion County prosecutor to be preserved as evidence. At the close of his term, he passed it on to his successor, who retained it until after the death of Annanias Baker and the dismissal of the indictment against O. A. Baker, five years after the alleged attempt at bribery. Then the question arose as to what should be done with the bribe money. Neither O. A. Baker, nor the firm he represented, nor the family of Annanias Baker would claim it,

named Oscar A. Baker, since known as "Cigarette Baker," as the briber. The latter hearing of the charge fled to Canada. A very great sensation resulted from the disclosure and flight. The legislature voted an appropriation of \$5000 to procure the arrest and conviction of the alleged briber, but without result. After the death, in 1909, of Annanias Baker, the only accusing witness, the fugitive O. A. Baker returned, knowing successful prosecution thereafter to be impossible. The Anti-Cigarette law, which caused all the trouble, proved to be inoperative, and was repealed in 1909.

**State Officers
Forced to Resign and
Replace Misappropriated
Funds; Auditor
Prosecuted and Im-
prisoned; Investigat-
ing Former Officials.**

In the early fall of

1905 Governor Hanly demanded the resignation of Auditor

for obvious reasons, and the state had no right to it. So it was finally made to appear that it belonged to the prosecutor, on the theory that ownership of abandoned or unclaimed property falls to the person who has possession of it. But the prosecutor could not retain it with self-respect, under the circumstances, and he donated it to the Home for Aged and Friendless Women at Indianapolis, a final disposition of the money which met with general approval.



J. FRANK HANLY

of State David E. Sherrick, and that he make restitution to the state of an alleged shortage in his accounts. The demand was later complied with, Sherrick returning funds misappropriated, principal and interest, amounting to \$156,367.31. The governor then caused him to be indicted and prosecuted for embezzlement. He was convicted and sentenced to state prison, but after a brief confinement the judgment of the court passing sentence was reversed on an error, or some defect in the indictment, and his release ordered.

Adjutant General John R. Ward was next forced to resign because of overdrafts in his accounts, which he endeavored to explain on the ground of clerical errors. He made restitution of \$1510.44.

Daniel E. Storms, secretary of state, was shortly afterwards confronted with a demand for an accounting. He resisted for a time, but later resigned under pressure from the governor, correcting irregularities in his accounts to the amount of \$8139.85.

The governor had experts examine the books of all these officers, and when the work was completed they were directed to examine the accounts and records of former state auditors, back to the year 1872. The result was that claims were made against former officials of misappropriations of fees and insurance taxes, and moneys from other sources, amounting, together with interest and penalties accruing thereon, as follows:

Former Auditor	James H. Rice (1883-1887)	\$108,877.74
"	" Bruce Carr (1887-1891)	75,988.24
"	" J. O. Henderson (1891-1895)	101,158.65
"	" A. C. Daily (1895-1899)	26,034.51

A discrepancy of \$347.50 was found in the accounts of former Auditor M. D. Manson (1879-1881), which appeared

to have been an honest error. Rice and Carr were both dead, their estates insolvent, and suits on their bonds barred by the statute of limitations. Suits were instituted against Henderson and Daily.

The Daily case was carried to the supreme court upon appeal, and the judgment of the Boone County circuit court, which was favorable to the state, reversed. In the complaint it was alleged that the defendant, Daily, while auditor of state, had collected and wrongfully retained certain insurance taxes, which, together with interest and penalties thereon, amounted to the sum sued for. The supreme court decision was to the effect that the collection of such taxes was not a part of the auditor's official duties; that he had no right to make such collections, either as an official or an individual; that the money was not paid to him under the authority of the state; that such payment was not ratified by the state, and that in his hands the money did not become the property of the state; that, therefore, the state had no legal right to the money so collected and paid, and could not sue for it. Nor was the payment of taxes to the state by the insurance companies accomplished by such payment to the auditor. The law plainly directs that the taxes shall be paid into the treasury of the state, and not to the auditor, and of this fact foreign insurance companies, and the courts, are bound to take notice. The companies were plainly liable to payment of their taxes over again, but the state had no legal right of recovery against Daily.

The Henderson case was allowed to wait the issue of the Daily suit, and a compromise settlement was finally agreed upon whereby the state accepted a refund of \$10,000, and the suit was dismissed.

The insurance companies, or a majority of them, paid

their taxes over again rather than risk forfeiture of their licenses to write further business in the state, but they paid under protest, expecting to seek a remedy in the courts.

In his biennial message to the General Assembly in 1907 the governor reported that the total recoveries of misappropriated funds up to that time amounted to \$189,460.41.

The Public Depository Law; an Old Custom that Caused Trouble. Nothing quite so sensational as these disclosures had occurred in the political life of the state for many years. They gave rise to a demand for stricter supervision of public offices, which was responsible to a large degree for the enactment of a Public Depository Law at the session of 1907. Another purpose of this law was to break up what had come to be known as "political banking." The law has proved itself of great value, not only in the enforcement of better business methods in the care and handling of public funds, state, county, and municipal, but by securing to the taxpayers the interest on such funds. Formerly either the funds yielded no interest, or if so it went into the pockets of the officials.

It was the temptation thus to profit by the handling of public moneys that led to the difficulties in which Auditor Sherrick and Secretary of State Storms found themselves when confronted by the demand of the governor for an accounting. They were simply following an old custom of indulging in a temporary diversion of state funds in their charge, expecting to restore them before quitting office. Pleading this custom, while not endeavoring especially to defend it, both Sherrick and Storms thought they were harshly dealt with. They had many friends who held the same view, and their deposition and Sherrick's prosecution caused much bitterness. The custom is now no longer pos-

sible, both by reason of a more healthful public sentiment, and because of the Public Depository Law and other remedial legislation.

Important Educational Measures. A number of very important educational measures were enacted during this administration. The governor appointed a state educational commission early in 1906 to examine into the needs of the public schools and the plea of the teachers for a better rate of pay for their services.¹ The commission submitted its report to the session of 1907, and its recommendations were enacted into laws. Chief among these measures were the teachers' Minimum Wage and Qualifications law, which raised the minimum standards both of qualifications and pay; the law providing for the establishment of departments of normal instruction for teachers in the non-state colleges; the law establishing a uniform course of study for high schools; and a law providing for the lengthening of the school terms where desired locally.

Swelling Tide of Temperance Sentiment. The temperance sentiment in the state began to show a rising tide again from about the year 1890. In 1895 the Nicholson Remonstrance law was passed, by means of which a majority of the legal voters in any township or city ward, by signing a remonstrance, could compel the revocation of any dealer's license to sell liquors. The Moore amendment to this law, enacted in 1905, extended the privilege of the voters so that they could remonstrate against the saloon business *per se* in the unit represented by the township or ward. Eagerly tak-

¹ The members of this commission were: Supt. B. F. Moore, chairman, Muncie; State Senator Edward E. Moore, Connersville; State Senator L. Ert Slack, Franklin; Representative Thomas D. Slimp, Washington; Will S. Ritchie, Lebanon; County Supt. John W. Lewis, Wabash; Edgar Webb, Attica.

ing advantage of this enlarged privilege, the people not only remonstrated the saloons out of hundreds of townships and city wards all over the state, but they made whole counties "dry."

Fight over Vincennes University Claim. In 1907 the general assembly passed a bill directing the issue of \$120,548 in bonds payable to Vincennes University, in settlement of a claim long urged because of the sale by the state, in the year 1823, of 19,040 acres of land, being a part of a 23,040 acre tract set aside by Congress for the benefit of the University. The money realized from the sale was appropriated to the use of Indiana University, Bloomington. The governor vetoed the bill, claiming that Vincennes University had been fully reimbursed in previous settlements, and the general assembly promptly passed the measure over his veto. Later, when the bonds were presented to him, he refused to sign them, and in his message to the special session of 1908 urged a repeal of the law whereby the bonds were authorized, but in vain. His tenure of office ended soon afterwards, and his successor, Thomas R. Marshall, signed the bonds. But this did not settle the matter, or Mr. Hanly, as a citizen and taxpayer, brought injunctive proceedings to prevent the secretary of state from attaching his signature. The superior court of Marion County, before which the case was tried, rendered a decision favorable to the University, but an appeal was taken to the supreme court, and was still pending at the time of the publication of this book.

Estrangement Between the Governor and the Legislature. Governor Hanly also made very earnest recommendations to the legislature of 1907 on the subject of insurance legislation, which recommendations were not satisfactorily complied with from his point of view. These, and other differences

which arose, led to estrangement between the governor and a large majority of the members of the general assembly, regardless of party. Not only were his views and recommendations disregarded, or purposely antagonized, but he was made the object of bitter public attacks in both chambers, and numerous bills were passed over his veto.

Raids on Gambling Resorts. In line with his policy of strict law enforcement the governor caused raids to be made on the gambling resorts which were being conducted in connection with the hotels for tourists and health-seekers at French Lick and West Baden. A large quantity of gambling paraphernalia was captured and later destroyed. Suits were brought upon the evidence procured through the raids, but with inconclusive results, except to stop the open and flagrant violations of the law that had obtained so long. The officers and courts in Orange County, where the resorts are located, had persistently failed or refused to take action looking to suppression of the vice. The governor's efforts were directed through the office of the attorney general of the state.

Anti-Saloon Warfare Reaches Crisis; Party Nominees and Platform Declarations. A crisis in the temperance movement, which had continued to grow more formidable, was destined to furnish the grand finale of the Hanly administration. A nonpartisan organization, known as the Anti-Saloon League, had appeared in the state, and its work among members of all political parties was highly effective. Other influences were also continually at work, preparing the people for a final assault upon the intrenched liquor traffic, with a view to its complete extermination. Mention has already been made of the Nicholson Remonstrance law of 1895, and the Moore amendment to it, adopted just ten years later. Another step forward was attempted in 1907, when a bill

was presented raising the saloon license fee to one thousand dollars. This was defeated by a grand rally of the brewery and saloon interests, but subsequent events indicate that it was a costly victory for them. It merely aroused the people to a more determined effort, and the agitation became so widespread and persistent that the democratic party, at its state convention in 1908, placed a plank in its platform declaring for a ward and township local option law. The republican party, which held its convention a little later, went farther and declared for a county option law. The party nominees for governor were Thomas R. Marshall, democrat, and James E. Watson, republican.

From the beginning of the campaign the temperance question was clearly the paramount issue. The republicans charged that the democratic declaration was prompted by the brewery interests — that it was in reality designed to head off more effective anti-saloon legislation, and cripple or destroy the existing remonstrance law. The democrats met the charge of an alliance between their party and the liquor interests with a general denial, and defended the township option unit as against the county unit.

Governor Calls Special Session of Legislature; Option Law Passed; Republicans Meet Crushing Defeat. In the midst of the discussion Governor Hanly threw a bomb into the camps of both parties by calling a special session of the legislature to meet on the 18th of September, 1908. The leaders were in consternation, for they could not figure out which party would likely be hurt the worst by a legislative session opening less than sixty days before the election. And knowing his personal attitude, it was also regarded as certain that the governor would endeavor to secure a carrying out of the republican platform pledge at this special session,

before the people could register their verdict, either for or against it. True to the forecast, he did make the attempt, and it was successful. The County Local Option law was passed after a memorable struggle, nearly all of the republican members and a few democrats voting for it, and a few republicans and the bulk of the democrats voting against it.

To what extent the result really did influence the people's verdict at the polls in November will continue to be a mooted question, but certain it is that the republicans, all things considered, suffered a crushing defeat. The democrats elected their candidates for governor, lieutenant governor, state superintendent of public instruction, and a large majority in the house of representatives, while the republicans saved the other state offices and the senate by the slenderest of margins. The state also gave the republicans a small plurality on the national ticket, but the democrats elected eleven out of the thirteen members of Congress to which the state was entitled, and, having a majority on joint ballot in the general assembly, they elected B. F. Shively, of their party, to the United States Senate, retiring Senator James A. Hemenway, a republican.

The reverse to the republicans was hailed joyously by the liquor interests as their victory, and they looked forward to an early repeal of the County Option law. In this, however, they were doomed to sore disappointment. When the general assembly convened in regular session in January, 1909, a repeal bill was immediately introduced in the house, and here the liquor forces found a large element of the democratic membership lined up with the practically solid republican front against repeal. The bill finally got through by a small majority and was sent to the senate, where it met defeat. So the option law was allowed to stand.

Vice Presidential Candidate From Indiana; Record of the State in National Politics. In the campaign of 1908 Indiana was represented on the national democratic ticket by the vice presidential candidacy of the Hon. John Worth Kern. William Jennings Bryan of Nebraska headed the ticket, making his third unsuccessful race for the coveted honor of a term in the White House. William H. Taft of Ohio, and James S. Sherman of New York, were the republican nominees, and they were elected overwhelmingly. Their plurality in Indiana, however (10,731), appeared meager when compared to the record-breaking Roosevelt and Fairbanks plurality of 93,944 in the previous campaign.

Considering her modest rank among the states when voting populations are compared, Indiana appears to have exerted her full share of influence in national politics during the last half-century. She has to her credit one term in the Presidency, and three terms incumbency by distinguished sons in the vice presidential office. Counting from 1868, there have been eleven presidential elections since the Civil war, and in eight of these Indiana supplied either the presidential or the vice presidential candidate for one or the other of the two leading parties.¹ Only in the campaigns of 1872, 1896,

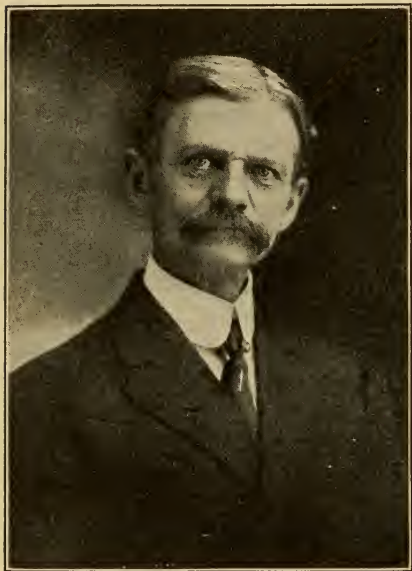
¹ In addition to these preferments Indiana has enjoyed frequent representation in the cabinets of the Presidents. Caleb B. Smith was Secretary of the Interior under Abraham Lincoln from 1861 to 1863. John P. Usher, another Indiana man, succeeded him, serving out his unexpired term and continuing through the administration of Andrew Johnson. Smith resigned to accept appointment as United States Circuit Judge for Indiana. Hugh McCullough was Secretary of the Treasury under three Presidents, viz., Lincoln, Johnson, and Arthur. James N. Tyner served as Postmaster General under Grant and Richard W. Thompson was Secretary of the Navy under Hayes; John W. Foster was Secretary of State, and W. H. H. Miller, Attorney General, under Harrison. Walter Q. Gresham was first Postmaster General, then Secretary of the Treasury, under President Arthur, and Secretary of State in Cleveland's second administration.

and 1900 has the state failed to be represented on one ticket or the other. For this frequent bestowal of high honors the state is indebted, in a measure, to her reputation for fickleness in politics. She is nearly always in the "doubtful column," and the vice presidential nomination especially, when tendered, is generally interpreted as a strong bid for her vote. The fact, however, is not cited in disparagement of the men so nominated. Nowhere else in the Union is the political game played more astutely than in Indiana, and the state may be looked to with confidence at any time to supply any grade of talent desired.

A remarkable thing about the state is that when she climbs down off the political fence she nearly always alights on the winning side. Since gaining admission to the Union in 1816 Indiana has participated in twenty-three presidential elections, and in only four of these has she failed to cast her electoral vote for the successful candidate. So the loyal Hoosier may well contend that the uncertainty of the state's affiliations from one election to another is owing not to caprice, but to the fact that her voters lead the political judgment of the country. Whatever the explanation the record is unique.

Panic of 1907. A money stringency overtook the country in the fall of 1907, having its origin in financial circles in New York city. The trouble spread, and finally grew to the proportions of a panic. A small number of banks failed, and many others suspended specie payment temporarily, issuing cashier's certificates, or scrip, in lieu of money. The industries, and trade along all lines, were affected, thousands of men were thrown out of employment, and the people experienced a return of "hard times." The trouble continued well into the summer of 1909, when confidence began to return. Financiers and statesmen disagree widely as to

what caused the trouble in the first place, but few doubt that its continuance was owing largely to the proximity of a national election, and the fact that both the great parties were pledged to a revision of the tariff. A new tariff law, in substantial fulfillment of the pledge of the dominant party, went into effect in September, 1909, since which time normal



THOMAS R. MARSHALL

conditions of prosperity have prevailed. Indiana suffered as little from the panic, perhaps, as any other state.

ADMINISTRATION OF
THOMAS R. MARSHALL
(1909—)

Results of County Option Elections. Thomas R. Marshall took the oath of office as governor January 11, 1909. In his inaugural address, and in his first message to the legislature, he took strong grounds in favor of economy in

state and local administrations, and the noninterference of any one branch of the state government with the functions of the others.

Among the more important acts of the legislature of 1909 were the passage of a law providing for a system of state examination of all public offices and municipal corporations, and the repeal of the Metropolitan Police law.

Temperance advocates began calling elections under the provisions of the County Local Option law early in 1909, and by late spring of the following year elections had been held in 81 of the 92 counties, each election being preceded by an exciting campaign. The contending forces were known as the "wets" and the "drys." Public meetings, and grand parades, participated in by women and children as well as by men, were customary features of the dry campaigns. The wets held few public meetings, but were lavish with newspaper and poster advertising, and used funds generously in getting out their vote at the elections. Out of the 81 counties voting, 68 rendered their verdicts in favor of the banishment of the saloons, and thirteen voted for their retention. Two of the remaining eleven counties were already "dry" by remonstrance, making a total of seventy counties, from which the saloons, at the close of the campaign, were excluded. And in all of the twenty-two counties still remaining "wet" there are "dry" townships and city wards, made so through the instrumentality of the remonstrance law. Really, the most impressive statement of the results of the temperance movement may be found in the fact that at the beginning of 1910, 922 of the 1016 townships of the state were dry.

CHAPTER XIV

A CENTURY'S PROGRESS

Growth in Population; Railroads, Telegraphs, Telephones; Agriculture. During her ninety-four years of statehood Indiana has made a record of growth in population, and of commercial and industrial development, that seldom has been equalled. Her population in 1815, as ascertained by a special census taken in preparation for statehood, was 63,897; in 1816 it was estimated at 70,000. In 1900 this meager population had grown to 2,516,462, and presuming upon a proximate continuance of the rate of growth which obtained from 1890 to 1900, the thirteenth United States census, now being completed, is expected to show a present population of not less than 2,850,000. By the time the century of statehood is rounded out in 1916 the number of the state's inhabitants will have passed the 3,000,000 mark. Territorially Indiana ranks well toward the bottom of the column of states, her position being thirty-fifth, but in population she ranks eighth. At the time of her admission into the Union in 1816, there were but thirteen organized counties in the state, and three fourths of the land area was still owned by the Indians. In northern and central Indiana the forests were practically unbroken and the prairies untamed. There were no means of transportation, or of carrying on commerce, except by wagon or pack-animals and the slight use that could be made of the natural streams and watercourses. Now there are ninety-two counties, and the state is noted far and wide for its agricultural develop-

ment and the productiveness of its farms. For transportation facilities we have 7165 miles of steam railways and over 2000 miles of electric lines, piercing and crisscrossing every part of the state. In 1860 there were 2126 miles of steam roads, and no electric roads. Only two small counties are now devoid of railroad facilities.¹ For other means



SPRING PLOWING IN INDIANA
(From Photo by W. H. Bass, Indianapolis)

of rapid communication, and the interchange of intelligence, we have 59,500 miles of telegraph lines and 235,000 miles of telephone lines. The state ranks fourth among her sister commonwealths in the production of wheat, sixth in the production of corn, sixth in the production of oats, and seventh in the production of hay. If the comparison were made upon a basis of equality in acreage, she would lead all her rivals.

¹ Ohio and Switzerland.

The respective yields of the leading crops in 1908 were: Wheat, 32,746,143 bushels; corn, 120,447,582 bushels; oats, 31,368,570 bushels; potatoes, 4,143,048 bushels; hay, 3,807,-413 tons. An official estimate places the corn yield for 1909 at 196,520,000 bushels:

Manufacturing Industries and Natural Resources. As a manufacturing state Indiana ranks tenth. In the making of vehicles — wagons, carriages, etc. — she ranks first. The investments in manufacturing concerns in 1905 amounted to \$312,671,234, and the annual output was valued at \$393,954,-405. In 1810, just a hundred years ago, the total manufactures of the territory, as reported to the United States Treasury Department, amounted in value to \$196,532.

In the state's mining products a source of almost boundless wealth has been uncovered. To some the information that Indiana ranks sixth among the states in its production of bituminous coal may come as a surprise. The output in 1908 amounted to 11,997,304 tons, and there yet remain 13,621,600,000 tons of workable coal for the use of future generations.¹ Indiana also possesses a large petroleum area, but because of the opening of new and heavily producing fields elsewhere the production here is steadily declining. The value of the output for the last eighteen years has averaged \$4,361,-393 annually. The mining of a high grade of building stone has also developed into a mammoth industry. The annual output of the oölitic limestone quarries exceeds \$3,500,000.

Progress along Educational Lines; Humane Laws and Administration; Care for the State's Wards. And not alone in the development of her resources, and in material things, has Indiana moved forward. Free schools were unknown and all but impossible at the time of the adoption of the first

¹ Estimate by State Geologist.

constitution, and even as late as 1852 a law making provision for a three months' term in every school district was considered radical legislation. Now the minimum term permitted by law is six months, attendance is compulsory, and if a child lives beyond convenient walking distance from a good school, the state transports him there and back each day free of charge. Not stopping at a free common-school education, the state now guarantees a free high-school education to every youth who will avail himself of it. Institutions of higher learning are maintained for those who desire the goal of a finished education. Almost thirteen millions of dollars are spent annually for the maintenance of free public schools in Indiana. The exact amount in 1908 was \$12,879,015, as against \$2,278,588 in 1853.

The humane rule laid down in the constitution that the penal code shall be founded on the principles of reformation, and not of vindictive justice, has met with a liberal observance both in the statutes framed by the state's lawmakers and in the administration of justice by the courts. The fact is also made prominent by the state's reformatory system of detention, coupled with the industrial education of prisoners, and the application of the parole law.

A liberal policy is observed in the matter of provision for the care of the state's unfortunate wards, and the safeguarding of the health of the community. To the educational institutions for the benefit of defectives, such as the deaf and the blind, and the benevolent institutions in the form of asylums for the insane, a school for feeble-minded youth, the Soldiers' Home, and the Soldiers' and Sailors' Orphans' Home, there have recently been added a Village for Epileptics, and an institution and settlement for the care and treatment of tuberculosis sufferers.

From Hoosierism to Literary Supremacy. And whether its attainment be attributed to the schools, the soil, or the clime, we presume there is none who would now have the hardihood to deny Indiana's safe position among the proudest of the states in the culture and intelligence of her citizens. If there really could have been an excuse for singling out the people of Indiana to wear the epithet of "Hoosier," applied in the sense of "Country Jake," or "Rube," at a time when they were busy cutting down the forests, draining the swamps and building roads, and had little time for schools and the social refinements, the occasion has long since passed. There is no reason why the sobriquet should continue to stick, except through the patience and good humor of the people, who adopted it, and have made it a "badge of honor." The prevalent notion that the term originated in the state through some uncouth expression of the natives, or the ignorant running together of words by the early settlers, is doubtless a mistake. It is synonymous with "hayseed" or "jay," and was probably imported into the territory by early immigrants from the mountainous regions to the south and east of us. Not only has Indiana outgrown any excuse for reproach or ridicule on the score of alleged crudity, but she has advanced to a point where her people enjoy a sort of literary supremacy that has set the wits to work along a different line.¹

Speaking soberly of the matter, Indiana of course does not

¹ Wilbur Nesbit, in an after-dinner speech before a meeting of the "Sons of Indiana" at Chicago, declared that "envious outsiders look up from their Hoosier books long enough to speak satirically of Indiana as the literary belt. They mention the dialect-poetry regions, and the historical novel districts, and the counties wherein the ballad and rondeau flourish with the prodigality of commerce. They have even prepared maps showing by means of shaded and unshaded portions where the traveler must strike in order to find or avoid certain brands of literature."

claim that her galaxy of stars occupies the literary firmament to the exclusion and absolute dimming of all others — her alleged “pose” to that effect being one of imputation rather than of assumption — and yet her sons and daughters have done very well indeed. Among the writers who have reflected credit upon the state brief mention may appropriately be made of a select few. Foremost among these is Gen. Lew Wallace, whose *Ben Hur* attained a popularity approaching that of *Uncle Tom's Cabin*. It has been translated into almost every modern language. Two additional books by Wallace are *The Fair God*, and *A Prince of India*.

Other Indiana writers, named purely at random without discrimination as to relative grades of merit, and with incidental mention of one or more of their principal productions, are Edward Eggleston, author of *The Hoosier Schoolmaster*; George Cary Eggleston, *The First of the Hoosiers*; John B. Dillon, an excellent state history; John Law, *Colonial History of Vincennes*; William H. English, *Conquest of the Country Northwest of the Ohio*; Robert Dale Owen, *Footfalls on the Boundary of Another World*, and *Beyond the Breakers*; William H. Smith, *A History of Indiana*; Oliver H. Smith, *Early Indiana Trials and Sketches*; John Finly, poet, *The Hoosier's Nest*, and *Bachelor's Hall*; James Baldwin, *The Book Lover*, *Story of Siegfried*, and several series of school readers; Robert Underwood Johnson, editor of *The Century*; William F. Clarke, editor of *St. Nicholas*; Sarah T. Bolton, poetess, author of *Paddle Your Own Canoe*; Benjamin S. Parker, poet; Judge Millard Cox, *The Legionaries*; Caroline Krout,¹ *Knights in Fustian*; Cincinnatus Heine (Joaquin) Miller, *Poet of the Sierras*, now a resident of California; James Whitcomb Riley, one of the greatest of contemporary poets; David

¹ The works of this writer appear under the name of Caroline Brown.

Graham Phillips, *The Plum Tree*, *The Deluge*, and *The Hungry Heart*; John Clark Ridpath, *A Cyclopedia of Universal History*, and *A New Complete History of the United States*; Maurice Thompson, *Alice of Old Vincennes*; William Dudley Foulke, *Life of Oliver P. Morton*; Jacob P. Dunn, *Indiana, A Redemption from Slavery*; William Wesley Woollen, *Biographical and Historical Sketches*; Amos W. Butler, *Birds of Indiana*; William Watson Woollen, also a writer on bird life and nature; Meredith Nicholson, *A House of a Thousand Candles*, and *The Hoosiers*; George Ade, *Fables in Slang*, and *Breaking into Society*; George B. Lockwood, *The New Harmony Movement*; Senator Albert J. Beveridge, *The Russian Advance*, *The Young Man and the World*, and *Meaning of the Times*; Charles Major, *When Knighthood was in Flower*; Booth Tarkington, *The Gentleman from Indiana*, and *Monsieur Beaucaire*; Julia Henderson Levering, *Historic Indiana*; Wilbur Nesbit, *A Gentleman Ragman*; George Barr McCutcheon, *Castle Cranecrow*, and *Beverly of Graustark*; Kin Hubbard, the *Abe Martin* sketches; Annie Fellows Johnston, the *Little Colonel* series; David M. Parry, *The Scarlet Empire*; Elizabeth Miller, *The Yoke*; Frederick Landis, *For the Glory of His Country*. John Hay, author of a life of Lincoln, and reputed author of *The Breadwinners*, was born in Indiana. Many others might be mentioned.

In no civilized country do the people enjoy a greater measure of civil and religious liberty, or have a larger share in the conduct of public affairs, than in Indiana. Under the influence of such institutions and laws, and through the industry, courage, high purpose, and far-sighted liberalism of the people of this and past generations, the state has grown, and developed, and prospered marvelously, and its future is bright with the promise of added greatness.

CHAPTER XV

INDIANA CIVICS

Changes in Sovereignty; Evolution of Government. It is the purpose in this chapter not merely to give a treatise on the abstract theories of civil government, but rather to outline in simple language the machinery by which the state and local governments are operated, and recount briefly the steps leading to their formation.

The French claimed sovereignty over the territory now comprised within the state of Indiana from the first exploration of the Ohio River by Sieur de La Salle in 1669, until the surrender to England in 1763. Indiana was a part of Louisiana, the vast territory which La Salle formally took possession of in the name of his king in 1682. The establishment of the post at Ouiatenon about the year 1720 was the first real assumption of governmental authority in what is now Indiana. A post (Miamis) was established near the site of the present city of Fort Wayne sometime after Ouiatenon, and the post at Vincennes, according to the best information obtainable, was established in the year 1731. Vincennes was controlled from New Orleans, and the other two posts from Canada, though all were French.

The French surrendered to England in 1763, but representatives of the English government were not able to take charge at once. Vincennes, especially, was devoid of any legally constituted government from the date of cession until 1777. Counting from the establishment of the first post at Ouiatenon, the actual French occupation lasted forty-three



years (1720–1763). The English were in charge scarcely two years (1777–1779). So together the French and English occupied the territory forty-five years, during which time neither accomplished a great deal in the way of perfecting a local or territorial government. Especially did they fail to establish any system of courts worthy of the name.

In 1778, before the expulsion of the British was an accomplished fact, Virginia organized all of the Northwest Territory into the County of Illinois, and commissioned Colonel John Todd to govern it under the title of County Lieutenant. (See Chapter VII, on Early Jurisdictions.) He arrived the next year, and instituted a semblance of government at Vincennes and Kaskaskia. A number of magistrates were elected and authorized to hold courts, but these courts, or at any rate the one at Vincennes, came dangerously near being corrupt, and commanded but little confidence or respect from the people.

Virginia surrendered the Northwest Territory to the general government in 1784, for the benefit of all the states, and three years later Congress enacted the famous Ordinance of 1787. During those three years the territory was without any legally constituted authority responsible for its government.

Territorial Government under Ordinance of 1787. The leading features of the Ordinance of 1787, with the form of government provided by it for the people of the territory, are set forth in sufficient detail in Chapter VII, on Early Jurisdictions.

The fact may have been justified by the primitive conditions of the times, and lack of preparation on the part of the newly formed population for the intelligent exercise of the privileges of self-government, but it is nevertheless true that the form of territorial government provided in the ordinance

contained in it very little that was democratic. The governor, the secretary, the judges, and one branch of the legislature were appointive by the President and Congress, and the minor officers, including the magistrates and civil officers in the counties and townships, were appointive by the governor. The people had the bare privilege of electing the members of the lower house of the legislature under the second grade of government. Even then they were hedged about with residence, race, and property qualifications, until the franchise was enjoyed by a small percentage of the population only. Such property qualifications were also required of the officers to be appointed or elected as to insure their selection from the wealthier and more favored classes. The governor was made a part of the legislature, and at the same time had the power of absolute veto over its acts. He also had authority to convene, prorogue or dissolve the assembly when he saw fit. That the people were neither dense nor indifferent to these nondemocratic conditions is proved by the agitation which was carried on almost from the first for an extension of the right of suffrage.

The possibilities of abuses growing out of official power so far removed from accountability to the people were also recognized, and were deprecated by the first legislative council appointed for Indiana Territory. The members replied by resolution to Governor Harrison's first message in 1805: "Although we are not as completely independent in our legislative capacity as we would wish to be, yet we are sensible that we must wait with patience for that period of time when our population will burst the trammels of a territorial government, and we shall assume the character more consonant to republicanism. . . . The confidence which our fellow citizens have uniformly had in your administration

has been such that they have hitherto had no reason to be jealous of the unlimited power which you possess over our legislative proceedings. We, however, cannot help regretting that such powers have been lodged in the hands of any one — especially when it is recollected to what dangerous lengths the exercise of those powers may be extended.”

To the lasting credit of that body, be it said, Congress was responsive to the demands of the people for an enlarged share in the government. The franchise was extended, property qualifications lowered and finally removed altogether, and in 1809 the people were given the right to elect their delegate in Congress, and the members of the legislative council. But the things withheld under the territorial government by the ordinance were more than compensated for in the provisions for statehood contained in that instrument, and the guarantees under the United States Constitution adopted the same year. The territorial government was a thing of mere temporary existence at the best. The state government was designed for perpetuity.

Divisions of the Territory. The first division of the Northwest Territory took place in 1800, when Ohio was separated from the rest of the territory and organized. The remainder of the region was then called Indiana Territory. Michigan was set off in 1805, and Illinois in 1809, leaving Indiana reduced to her present geographical size.

Building a New State. In response to a request of the territory, through its legislature, to be permitted to form a state government, Congress passed the Enabling Act of April 19, 1816. This act defined the boundaries of the proposed new state, and stipulated that the constitution and state government should be republican in form “and not repugnant to the articles of the Ordinance of the 13th of July,

1787," which were declared to be "irrevocable between the original states and the people and states of the territory northwest of the river Ohio."

Certain propositions were made in this Enabling Act to the people of the proposed new state, and left to their "free acceptance or rejection." They were offers of land grants and concessions: (1) The grant by Congress of section sixteen in each township for the use of schools; (2) a free grant of the salt springs in the territory, and the land reserved for their use, not to exceed thirty-six entire sections, for the benefit of the people of the state; (3) a free concession of five per cent of the net proceeds of the sale of all Congressional lands, for use in building public roads and canals;¹ (4) the grant of a township of land for a seminary of learning; (5) four sections of land for a location for a permanent seat of government. All that was asked in return was that lands sold by the Government from and after the first day of December, 1816, should be exempt from taxation by the state, or any county or local government, for a period

¹ Three fifths of this fund was to be applied, under the direction of the legislature, to the objects set forth in the act, and this afterwards came to be known as the "three per cent fund." The other two-fifths was to be applied under the direction of Congress, and was used to aid in the construction of the Cumberland, or National Road, a great public highway beginning at Baltimore, Maryland, crossing the Appalachian mountains, and running westward across the states of Ohio and Indiana, and penetrating into Illinois almost to the Mississippi River. No government ever before had undertaken such an enterprise. Its cost mounted into the millions, and as a part of a still greater scheme of internal improvements it was the subject of many lively debates in Congress, but its value as a means of binding together the East and the West, and its influence in the development of the country, could not be overestimated. It became a great overland artery of trade and commerce, and flooded the West with immigrants. Construction was begun in 1811, and completed to Vandalia, Illinois, its western terminus, in 1836. The road passes through Wheeling, West Virginia, Columbus, Ohio, and Indianapolis and Terre Haute, Indiana.

of five years from the day of sale. The state would have been foolish indeed to have rejected a proposition so advantageous.

Limitations Imposed upon the Builders of a State; Progress under the First Constitution. In the task of framing a constitution and forming a new state, the limitations imposed by the constitution, laws, and treaties of the United States must be observed. For, according to the definition in the Constitution itself, these constitute the "supreme law of the land." If between this supreme law and the constitution or laws of the new state conflict should occur, the latter would have to give way before the higher authority of the former. The more important of the powers ordinarily enjoyed by sovereign and independent states and denied to the states of the Federal Union are embodied in the following literal quotations from Article I of the Constitution:

"No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts, or grant any title of nobility. No state shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships-of-war, in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war,

unless actually invaded, or in such imminent danger as will not admit of delay."

In compensation for such abridgment of powers, "the United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence." (Sec. 4, Article IV, U. S. Constitution.)

The injunctions that there should be "neither slavery nor involuntary servitude . . . otherwise than in the punishment of crime whereof the parties shall have been duly convicted," and that "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged," were embodied in the compacts in the Ordinance of 1787, to which the Enabling Act declared the new constitution and government should not be repugnant.

Growth and Modern Conditions Demanding a New Organic Law; Defects of the First Constitution. Such were the limitations and guarantees under which the constitution of 1816 was framed, and the new state government formed, and put into operation. The work was not perfect, but it met the approval of Congress, and served the people well in its day. Under it the state grew from a straggling population of perhaps 70,000¹ in 1816 to 988,416 in 1850, the year in which the people determined to change it. Commerce and the industries and public wealth had also grown marvelously, and vast improvements of all kinds had taken place. The railroads and telegraph had come, cities and towns had sprung up where previously there were only farms, and the

¹ Estimate by Dillon.

state was fast changing its character from a frontier and purely agricultural community to one embodying all the complex conditions of modern civilization, and industrial and commercial activities and progress. The needs of the state government had correspondingly changed. Then time had served to develop the inherent faults of the first constitution, and there was an urgent demand for their correction.

Among the worst defects of the old constitution were the multiplicity of duties imposed upon the legislature, or permitted to that body under its provisions, that should have been intrusted to the people, or performed by the administrative or judicial departments of the government. The legislature appointed the principal state officers, including the secretary, auditor and treasurer. It appointed the presidents of the circuit courts, and invented ways of reaching out for additional patronage. It sometimes found it convenient to abolish an office simply as a means of ousting the incumbent, in order to give his place to some one else under a different official designation. It granted divorces, issued charters of incorporation, and incumbered the statutes with local and special legislation.

Present State Government under Constitution of 1851.

In outlining the machinery of our present state government we shall of course need to consider only the constitution of 1851, as amended. The amendments, however, do not affect in any way the form of government prescribed in the original draft. They relate to suffrage and elections, negro rights and citizenship, fees and salaries, the right of the legislature to establish courts other than "inferior" courts, and forbid payment of the compromised Wabash and Erie canal debt of 1846-47.

The offices under the state and local governments are of

two kinds, constitutional and statutory, the former prescribed specifically by the constitution, and the latter created by legislative enactments, under authority of the constitution.

The Three Departments of Government. The powers of government under the constitution are divided into three separate departments, — the legislative, the executive, including the administrative, and the judicial. In order that these departments shall be independent of each other, and serve as checks one upon the other, no officer in one department is permitted to exercise any of the functions of an officer in either of the other departments.

The Legislative Department. The legislative department is vested in a general assembly, consisting of a senate and a house of representatives. The general assembly is permitted under the constitution to regulate the number of its members, provided the senators do not exceed fifty, and the representatives one hundred. The present membership of the two houses represents those maximums. The term of office of a senator is four years, and of a representative two. A man to be eligible to election as a senator must be at least twenty-five years of age, and a representative twenty-one.

The regular sessions of the general assembly convene biennially at the capital on the Thursday following the first Monday in January, of the odd-numbered years. The sessions are limited to sixty-one days, but the governor may call a special session at any time that, in his opinion, the public welfare requires it. A special session may not continue more than forty days.

The lieutenant governor, by virtue of his office as such, is president of the senate, and presides over its sessions. He has no vote except when the members are equally divided.

The senate also elects a president *pro tempore* to preside in the absence of the lieutenant governor.

The house elects its presiding officer from its own membership. His official designation is "Speaker of the House of Representatives." He has the same privileges of voting and of debate enjoyed by any other member. Each house makes its own rules, appoints its own committees, and is the sole judge of the qualifications of its members. It may punish its members for disorderly conduct, compel the attendance of absentees, and with the concurrence of two thirds expel a member. Two thirds of the membership of either house constitutes a quorum, and it requires the votes of a majority of all the members to pass a bill or joint resolution. All bills for raising revenues must originate in the house, but other bills may originate in either branch.

For the purpose of apportioning its members among the counties the general assembly is required to cause an enumeration to be made every sixth year of all the male inhabitants in the state over twenty-one years of age.

Senators and representatives, in all cases except treason, felony, and breach of the peace, are privileged from arrest during the sessions, and in going to and returning from the same. Nor are they subject to any civil process during the sessions, or during the fifteen days next before the commencement of a session. For any speech or debate in either house a member may not be questioned in any other place.

All laws, as nearly as possible, are required to be general, and of uniform operation throughout the state. Seventeen subjects are specifically enumerated in the constitution upon which the legislature is forbidden to pass local or special laws.

To become a law a bill must receive the votes of a majority

of the members of each house, taken separately, and by ayes and nays. But before its final passage the bill must have been read by sections on three separate days. The only other method is to pass it under a suspension of the rules agreed to by a two thirds vote. After thus receiving a majority of the votes in each house, the bill is signed by the president of the senate and the speaker of the house, and transmitted to the governor. If he signs it, and it does not contain an emergency clause, it becomes a law as soon as published and circulated in the counties. If it contains an emergency clause, it becomes a law at once. If the governor disapproves, and is not willing to sign a bill after it has passed the two houses, it is his duty to send it back to the house in which it originated with his reasons or objections. This is called a veto. If the two houses choose to reconsider it, and again pass it by a majority vote of the members, it becomes a law, notwithstanding the governor's veto. If the two houses fail to take this action, the bill is defeated, and cannot again be considered during the session. If the governor fails either to sign or return a bill for three days after it is presented to him, Sundays excepted, it becomes a law without his signature.

The Executive Department. The executive power of the state is vested in a governor, who is elected for a term of four years, and is not eligible to hold the office more than four years in any period of eight. He must be at least thirty years of age at the time of election.

The governor is commander-in-chief of the military and naval forces of the state, and may call out such forces to execute the laws, or to suppress insurrection, or to repel invasion. It is his duty, from time to time, to give to the general assembly information touching the condition of the state,

and recommend such measures as he deems expedient. He may require information in writing from the officers of the administrative departments upon any subject relating to the duties of their respective offices. It is his duty to see that the laws are faithfully executed. He has power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and in cases of impeachment. He has the power to remit fines and forfeitures, but in all cases must make due report to the general assembly.

A lieutenant governor, with a tenure of four years and no restriction as to reelection, but with an age qualification of thirty years, is elected at the same time the governor is chosen. His duty is to preside over the sessions of the senate, and in case of the death, resignation, removal, or disability of the governor, to assume the duties of that office.

The constitution by express provision left it to the general assembly to designate by law what officer should succeed to the governorship in case of the death, resignation, removal, or disability of both the governor and lieutenant governor. Accordingly a law was enacted March 11, 1867, naming the president *pro tem.* of the senate as next in line of succession after the lieutenant governor. And if there should be no president *pro tem.* of the senate, it becomes the duty of the secretary of state to convene the senate in order that such an officer may be elected.

The governor or any state official may be removed from office, for cause, by impeachment of the house of representatives, to be tried by the senate. Such removal may also be accomplished by a joint resolution of the two houses, two thirds of all the members concurring.

Administrative — State. The administrative power, designated in the constitution as being a part of the executive,

is vested in a secretary, auditor, and treasurer of state, each elected for a term of two years, and rendered ineligible for more than four years in any period of six.

In addition to these a number of statutory offices have been created as follows: attorney general, elected for a term of two years; superintendent of public instruction, two years; chief of the bureau of statistics, two years; state geologist, four years.

Administrative — County. The administrative officers of each of the several counties (constitutional) comprise the auditor, recorder, treasurer, sheriff, coroner, surveyor, and clerk of the circuit court. The auditor, recorder, and clerk are elected each for a term of four years, and made ineligible to hold office more than eight years in any period of twelve. The treasurer, sheriff, coroner, and surveyor are each elected for two years, and the treasurer and sheriff are limited in eligibility to two consecutive terms.

In addition, a number of statutory offices have been created. These are a board of county commissioners, consisting of three members, with a three-year tenure of office; a county council, consisting of seven members, with a tenure of four years; a county superintendent of schools, with a tenure of four years; a county assessor, with a tenure of four years; a county truant officer with a tenure of four years.

The officers are elective by popular vote, with the exception of the county superintendent, who is elected by the township trustees, and the county truant officer, who is appointed by the county board of education.¹

Township Officers. The township offices are all statutory. They consist of one trustee for each township, with a four-

¹ The county Board of Education is composed of the county superintendent of schools, the township trustees, and the chairman of the board of school trustees of each city and town in the county.

year tenure of office; one assessor, with a four-year tenure; an advisory board consisting of three members, with a four-year tenure; a number of justices of the peace, the number to be regulated by the board of county commissioners, under certain restrictions outlined in the law. Term, four years. A number of constables equal to the number of justices, with four-year terms; not less than two nor more than four road supervisors, elected for two years.

Judicial Department. The judicial power of the state is vested in a supreme court, an appellate court, the circuit courts, a number of superior courts, one criminal court, one special probate court, one juvenile court, the justices' courts, and the municipal courts. Only the supreme and circuit courts came into being by direct constitutional provision. The others are statutory, but authorized by the constitution.

The supreme, or highest court in the state, consists of five judges, each having a six-year tenure of office. The court has appellate jurisdiction, and a very limited and restricted original jurisdiction, regulated by statute. Its judgments are final, except in such cases as are appealable to the United States Supreme Court.

The appellate court consists of six judges, their tenure of office being four years. This court is divided into two divisions of three judges each, elected from the two appellate court districts of the state, and causes arising in one district are decided by the judges of the other district. The appellate court has appellate jurisdiction of all appealable causes not expressly appealable to the supreme court, and its judgments are final, except that causes in which the amount in controversy exceeds six thousand dollars are appealable therefrom to the supreme court. Then decisions of the appellate court may be transferred to the supreme court for review

where the losing party can satisfy the supreme court by petition that the opinion of the appellate court contravenes a ruling precedent of the former court, or that a new question of law was presented, and erroneously decided. Provision is also made whereby two judges of a division may transfer to the supreme court for decision a cause involving a ruling precedent of the supreme court which such appellate judges deem erroneous. The object of these provisions is to keep the rulings of the appellate court in general conformity with the rulings precedent of the supreme court.

The circuit courts consist of one judge each, elected for a term of six years. They possess criminal, civil, equity, and probate jurisdiction. The circuit courts in the state, at the present time, number sixty-one, one or more counties constituting a circuit.

Superior courts have been established in a few of the more populous counties. Their jurisdiction is concurrent with, and in all respects similar to, that of the circuit courts, except as to probate business, which is left exclusively with the circuit courts in all counties save Marion. In Marion County there exists the one special probate court in the state, to which is assigned all probate business arising in that county.

Under the law authorizing criminal courts, three were established, being one each in Marion, Allen, and Vigo counties. Those in Allen and Vigo were later abolished, leaving only the one in Marion. It consists of one judge, having a term of four years. The court has original and exclusive jurisdiction, within the county, of all crimes and misdemeanors, except where jurisdiction is by law conferred on justices of the peace, and such appellate jurisdiction in criminal cases as would belong to the circuit court if the criminal court had not been established.

The one juvenile court is also in Marion County, such courts being authorized only in counties containing cities of 100,000 population or over. It consists of one judge with a term of four years. It has jurisdiction in all causes relating to children, including juvenile delinquents and truants, and where the custody or legal punishment of children is in question.

A justice of the peace has power to try and determine suits founded on contracts or torts wherein the debt or damage involved does not exceed \$200. His jurisdiction is limited to the township, except that in townships where there are no justices' courts the justice residing nearest may exercise jurisdiction.

A municipal or city court is provided for in every city of the first, second, third, and fourth classes. The court consists of one judge, elected for four years. In cities of the fifth class the powers of a city judge are exercised by the mayor. The city court has: jurisdiction within the county in which the city is located, over all violations of the ordinances of the city; original and concurrent jurisdiction with the circuit or criminal court in all cases of petit larceny, and all other violations of the laws of the state where the penalty provided therefor cannot exceed \$500; all the powers and jurisdiction conferred upon justices of the peace.

The clerk of the supreme and appellate courts, and the reporter of the supreme and appellate courts, are elective for four-year terms. And in every county having a population of 50,000 or over a probation officer is elected, with a tenure of four years. The salaries of these and all other public officers are fixed by statute.

State Boards and Commissions. The state supports a large number of boards and commissions, the functions of

which are usually indicated by their names. Almost every legislature augments the number by creating one or more new ones, but seldom reduces it by abolishing any of the old ones. Following is a list: State Railroad Commission; Department of Inspection and Supervision of Public Offices; State Board of Labor Commissioners; Department of Mine Inspection; Department of Oil Inspection; Fisheries and Game Commission; Department of Gas Inspection; Department of Factory Inspection; Department of Entomology; Board of State Charities; State Board of Pardons; State Board of Truancy; State Board of Education, which is also the State Board of School Book Commissioners and the State Library Board; Public Library Commission; State Board of Forestry; State Board of Pharmacy; State Board of Health; State Laboratory of Hygiene; Bureau of Public Printing, Binding, and Stationery; Board of Control of State Soldiers' and Sailors' Monument; State Board of Tax Commissioners; State Board of Medical Registration and Examination; State Board of Dental Examiners; Board of Registration and Examination of Trained Nurses; State Anatomical Board; State Board of Embalmers; State Board of Veterinary Medical Examiners; and a State Veterinarian.

The members of most of these boards are appointive by the governor. The superintendent of public buildings and property, and the State House engineer are appointive by a board composed of the governor, secretary of state, and auditor of state. The deputies, assistants, and minor employees of the departments and boards are usually appointive by the respective chiefs or superintendents.

State Educational, Benevolent, and Correctional Institutions. The educational institutions supported by the state are: Indiana University, Bloomington; Purdue University,

Lafayette; State Normal School, Terre Haute; Indiana School for the Blind, Indianapolis; School for the Deaf, Indianapolis.

The benevolent institutions are: Central Hospital for the Insane, Indianapolis; Eastern Hospital for the Insane, Richmond; Northern Hospital for the Insane, Logansport; Southern Hospital for the Insane, Evansville; Southeastern Hospital for the Insane, Madison; Village for Epileptics, Newcastle; School for Feeble Minded Youths, Fort Wayne; Tuberculosis Hospital, Rockville; State Soldiers' Home, Lafayette; Soldiers' and Sailors' Orphans' Home, Knightstown. And in addition to these there is a National Soldiers' Home at Marion.

The state's correctional institutions are: State Prison, Michigan City; Indiana Reformatory, Jeffersonville; Indiana Boys' School, Plainfield; Indiana Girls' School, Indianapolis; Indiana Women's Prison, Indianapolis.

Indiana National Guard; Fort Benjamin Harrison. The Indiana National Guard consists of three regiments of infantry of twelve companies each, three artillery battalions, a signal corps, and a hospital corps.¹ The state's militia system is very effective, and in case of emergency or need a splendid force of well-drilled men can promptly be placed in service. The principal militia officers are the adjutant, the quartermaster, and the commissary general, all appointive by the governor.

The United States Government maintains an important military post, Fort Benjamin Harrison, in the state. It is located in Marion County, near Indianapolis.

¹ The hospital corps consists of two detachments, one stationed at Indianapolis and one at Frankfort. The three batteries are stationed at Indianapolis, Fort Wayne, and Rockville, respectively.

Methods of Compensating Public Officials; Passing of the Fee System. Among the more important administrative reform movements of recent years is the attempt, through legislative remedies, to get away from the fee system of compensating public officials. The system is known to have paved the way for many abuses, and to have bred dishonesty. In its palmier days men holding certain state offices expected to make, and some of them did make, very comfortable fortunes out of one or two terms. Now all state officers receive stated salaries, or fixed per diems only, and are required to turn into the public treasury any and all fees collected by them. In the counties it is more difficult to eradicate the system wholly, though good progress has been made. There are three county officers who receive the benefit of certain fees in addition to their salaries, namely, the treasurer, sheriff, and circuit court clerk. The coroner and surveyor receive fees only, except that, in counties having a population of a hundred thousand or more, coroners are placed on salary, and in counties of one hundred fifty thousand or over, surveyors become salaried officials. The salaries of county officers are graded as nearly as may be according to the population and wealth of the respective counties.

Justices of the peace and constables receive fees only, while all other township officers receive per diems. Trustees, assessors, and justices in townships containing large cities receive salaries.

CHAPTER XVI

EDUCATIONAL DEVELOPMENT

The Animating Spirit. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. — Article III, Ordinance of 1787.

Animated by this spirit the people of Indiana early began the work of developing a system of elementary and higher education, which has since been carried forward as rapidly as conditions would permit. The first care of the early settlers, necessarily, was to provide for their defense against the Indians, and establish a means of livelihood by clearing away the forests and bringing their lands into a state of cultivation.

At the close of the Revolutionary war there were no schools, and only three white settlements in what is now the state of Indiana. Neither the original French settlers nor their British successors had given any attention to the subject of education, or opened a single school of any description. The idea of popular education came only with the hardy settlers from the states and colonies to the east and south after American independence had been established. The very first school opened on Indiana soil appears to have been that of M. Rivet, at Vincennes, in 1793. Rivet was a French missionary and a political refugee.

In 1785, or two years before the adoption of the Ordinance of 1787, Congress made provision for the establishment and

maintenance of schools in the Northwest Territory by setting aside for that purpose one square mile, or Section 16, in each congressional township. This grant was confirmed to Indiana in the Enabling Act of 1816, and in addition one township was given for the establishment and use of a Seminary of Learning.

Origin of Indiana Educational System. In the constitution of 1816 a strong declaration was incorporated in the interests of popular education, and it was made the duty of the general assembly to provide by law for the improvement of all lands granted, or to be granted by Congress for the use of the schools, and to see that the revenues produced therefrom were devoted to the purposes intended. None of the lands were allowed to be sold before the year 1820, and it was made the duty of the general assembly, as soon as circumstances would permit, "to provide by law for a general system of education, ascending in a regular gradation from township schools to a state university," wherein tuition should be "gratis and equally open to all."

A system of county seminaries was an important part of the plan of these early legislators, and it was provided that the money which should be "paid as an equivalent by persons exempt from military duty, except in times of war," should be applied to the support of county seminaries, and that all fines assessed for any breach of the penal laws should be similarly applied in the counties wherein they were assessed. During the first few years following the adoption of the constitution a number of these county seminaries were established, and some of them later developed into widely celebrated institutions of learning.

The Pioneer Township Schools. In 1821 the legislature appointed a commission to formulate a bill for a general

school law.¹ The commission reported to the legislature of 1824, and its work was approved, and the bill enacted. It was doubtless the best legislation possible at that time, and was the beginning of our present common-school system. But in view of the present advanced state of development, even to the point of compulsory attendance, a hasty view of the pioneer township school may prove both interesting and instructive.

Under the provisions of the law any three inhabitants of the township could call a public meeting, and if there should be an attendance of twenty or more freeholders or householders, they were empowered to elect three township trustees. These trustees would then divide the township into school districts, and appoint three sub-trustees in each district. Then the sub-trustees would call meetings in their respective districts, and proceed to take the sense of the householders and freeholders present, "by ayes and noes, in writing," on the question whether they would or would not support a public school "for any number of months not less than three in each year." If the vote proved favorable, a site would be selected, also by majority vote, and a time set to meet and begin building a schoolhouse. Each male inhabitant over twenty-one years old was required to put in one day's work each week until the house was completed, or pay thirty-seven and one half cents in cash for each day he failed to work. He was allowed the privilege, in lieu of such work or labor, of furnishing "any plank, nails, glass, or other materials" that might be needed in the construction of such building.

The law required that the schoolhouse should be eight

¹ The members of the commission were John Badollet, Daniel Hart, William W. Martin, James Welsch, Daniel S. Caswell, Thomas C. Searle, and John Todd. In their instructions they were given special direction to guard against "any distinction between the rich and the poor."

feet between the floors, and at least one foot from the surface of the ground to the first floor, and "comfortably furnished and appointed for the teacher and pupils." Contemporary history tells us that these comfortable appointments and furnishings consisted usually of walls built of green rough logs, with mud chinked in between, puncheon floors and seats, a big open fireplace, and a clapboard roof surmounting all.

When the schoolhouse was completed the sub-trustees would call another meeting of the inhabitants "and take the sense of such meeting" whether they would "suffer any portion of the tax for the support of such school to be raised in money, and if so, what proportion, and the term of time they would wish to employ a teacher." Finally the sub-trustees would employ a teacher "on the most advantageous terms, contracting to make payment at the end of the term contracted for, in such articles and otherwise in such way and manner as may comport with the decision and determination of the inhabitants of such district." Before the teacher was eligible to close the coveted contract he must have received a certificate from the township trustees setting forth that they had "examined him touching his qualifications, and particularly as respects his knowledge of the English language, writing, and arithmetic," and that in their opinion he was "an useful person to be employed in said school."¹

Many of the early teachers were from Ireland and Scotland, while others were supplied by New England, and other portions of the earlier settled East and South. There being no system of textbooks, the pupils brought to school with them almost any kind of books they happened to have in their homes. The New Testament was used extensively for

¹ Quotations are from the law of 1824.

reading exercises. Reading, writing, and arithmetic were the principal and almost only subjects taught. There were no restrictions upon corporal punishment as a means of maintaining discipline, and liberal advantage was taken by the early preceptors of the fact that hickory switches and beech-tree limbs were abundant and convenient to hand.

Crude as they were, and despite their poverty of methods and appliances, these early schools exerted a wonderful influence upon the first generation native born to Indiana. They could not bestow a polished education, but they furnished a foundation to build upon, planted the seeds of ambition, and awakened inspirations to higher and better things, that have borne choice fruits through succeeding generations.

County Seminaries and the Permanent School Fund. In the session of 1824, laws were also enacted in the interests of the county seminaries, and a special act was passed providing schools for Clark's Grant. The county seminaries, however, were not to continue a part of our educational system. In 1852 the legislature ordered the sale of all seminaries and seminary property, and directed that the proceeds of the sales be added to the permanent school fund.

The permanent school fund, as it now exists by constitutional provision, consists of the congressional township fund; the bank tax fund; the sinking fund; the surplus revenue fund; the saline fund; the swamp land fund; the seminary fund; the contingent fund. It may be increased, but can never be diminished. At the present time the fund amounts to \$11,818,433.49, which is a common-school endowment exceeded in only a few of the states.

The congressional township fund was raised from the sale of lands given by the Government — particularly Section 16 of each congressional township. The bank tax fund

was created by a tax on the dividends declared by the state bank, which had its existence from 1834 to 1859. The sinking fund was a fund created for the payment of the state's share of the stock of the state bank. One half million dollars more was borrowed than needed for the payment for stock, and loaned out at six per cent interest. The proceeds were to go first toward the extinguishment of the debt, and after that to the permanent school fund. The fund finally realized to the schools from this peculiar speculation amounted to over three million dollars. The surplus revenue fund is a part of the state's share of a large surplus which had accumulated in the national treasury and was distributed (1836) among the different states. This also was a peculiar transaction, and the advance may sometime have to be returned. The saline fund arose from the sale of salt springs and lands pertaining thereto, donated by the Government. The swamp land fund arose from the sale of swamp lands given by the Government. The seminary fund was created by the sale of the county seminaries, and their property, following the act of the legislature of 1852. The contingent fund arises from fines, forfeitures, and escheats.

Groundwork of Modern School System; Recent Legislation. Some very important school legislation passed in 1852 was declared unconstitutional, and was followed, though somewhat tardily, by the enactments of 1865. These enactments furnished the plan and groundwork of Indiana's present excellent school system. (See Chapter XII.)

The uniform textbook law, for the elementary grades, was passed in 1889. The purposes of this law were to establish a uniform system of textbooks, and lessen the cost of books to school patrons by substituting state adoption for county or local adoptions.

The compulsory education law, enacted in 1895, has proved itself of vast importance and benefit. It compels the attendance at school of all children between the ages of eight and fourteen years. A truant officer is appointed in each county to see that the law is complied with. Provision is made for the appointment of additional officers in the cities where it is thought necessary.

In 1906, responding to an agitation on the part of the teaching profession, Governor J. Frank Hanly appointed a commission to investigate the subjects of teachers' qualifications and wages, and any other matters affecting the welfare of the schools, and report with recommendations to the governor and the next general assembly. As a result of the investigations and report of this commission a number of laws of great importance to the educational interests of the state were enacted. Among them were the teachers' minimum wage and qualifications law, which raised the minimum standards both of qualifications and pay; the law providing for the establishment of departments of normal instruction for teachers in the non-state colleges, and the law establishing a uniform course of study for high schools. Provisions were also made for the lengthening of school terms, and there was much other legislation friendly and helpful to the schools.

Consolidated Schools. Previously laws had been passed providing for the abandonment and consolidation of township schools, the transportation of children from the abandoned districts, and the establishment of township high schools. As a result of this legislation over twenty thousand pupils were being hauled to consolidated township schools in 1909-10, and the system has commended itself to nearly all friends of improved educational facilities in the rural communities. In the consolidated schools the pupils have

the advantages of better and more sanitary buildings, better equipment, better instruction, and longer terms. The arrangement makes industrial training possible where it is desired. It brings the country child within the privilege of the library, of laboratory work, and instruction in music, drawing, nature study, etc. And the cost is no greater, rela-



TYPE OF TOWNSHIP CONSOLIDATED SCHOOL

tively, than that required for the separate maintenance of the small schools. The system is coming into vogue in a number of other states, largely as a result of its remarkable success and splendid results in Indiana.

Indiana's System among the Best; Record of Progress.
According to the general verdict of competent authorities

Indiana's elementary and high school systems are among the best to be found in any of the states. Both in city and country good modern buildings with up-to-date appliances prevail, while the teachers are well trained, well qualified and much better compensated than formerly. Very few states in the Union pay more, grade for grade. The progress made from the inception of our present system, less than fifty years ago, is little short of marvelous. It is only three quarters of a century since the pioneers among the clearings in the forests were holding their "district meetings" and voting upon the question of whether or not they would "support a public school for any number of months not less than three in each year," and if so whether they would "suffer any portion of the tax for the support" of such school "to be raised in money."

State Educational Institutions. The state educational institutions are also of a high order of merit. They comprise the State University, Bloomington; Purdue University, Lafayette; State Normal School, Terre Haute; State School for the Deaf, Indianapolis; Indiana School for the Blind, Indianapolis.

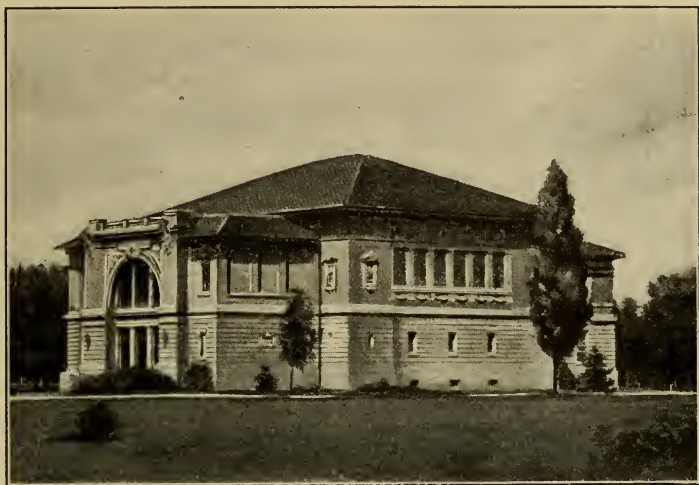
State University, Bloomington. In 1816 Congress gave the state a township of land for the endowment of a seminary of learning. The land was soon afterwards located in Monroe county, and in 1820 Bloomington was selected as the seat of the new institution, which was opened in 1825. In 1828 the grade of the institution was raised from a seminary to that of a college. In 1838 the college was chartered as a university, and a little later its buildings were destroyed by fire. The state came promptly to its aid, and new and better buildings were erected. The university has accomplished good results, and a still greater and grander mission for its



LIBRARY, INDIANA UNIVERSITY

future is unfolding before it. It maintains an efficient and well-equipped medical department at Indianapolis.

Purdue University, Lafayette. The legislature at its session in 1865 accepted the terms of a land grant offered by Congress three years earlier for the endowment of a college of agriculture and the mechanic arts. The Government accordingly issued its scrip for 390,000 acres, which the state sold for \$212,238, appropriating the amount to the establishment of the institution now known as Purdue University. It was named for John Purdue, who donated \$150,000 for its use. Tippecanoe County, in which it is located, gave \$50,000, and the citizens of the little village of Chauncy, adjoining Lafayette, donated one hundred acres of land for its site. The people of the state indulge a just pride in this splendid institution, which faces the future with



FOWLER HALL, PURDUE UNIVERSITY



STATE NORMAL SCHOOL

the most inspiring prospects for continued growth and broader usefulness.

State Normal School, Terre Haute. The State Normal School came into being to meet a growing demand for trained teachers for the elementary and high schools, then so rapidly increasing in numbers, and advancing along all lines of progress. The legislature passed the necessary law providing for the establishment of the school in 1865. Terre Haute secured the location by donating \$50,000 in cash and \$25,000 in lands. The school was opened in 1870, and by its work and patronage has more than justified its existence and the enthusiasm of its promoters. Its greatest difficulty has been to secure funds to keep buildings ahead of its growth.

Indiana State School for the Deaf, Indianapolis. This school was incorporated as a state institution in 1844. Henry Ward Beecher and Bishop Matthew Simpson were members of its incorporating board. It was the second state institution to be established by Indiana, the first being Indiana University. The claim is made that by her action in placing this school on an equal basis with the other state educational institutions, Indiana became the first state in the Union to provide free education to the deaf on exactly the same terms that school privileges are extended to the hearing. This school is not classed as a charitable or benevolent institution. The legislature of 1909 extended the provisions of the compulsory education law to include the deaf and blind eligible to attend the schools provided for their education.

Indiana School for the Blind, Indianapolis. This school came into existence by an act of the legislature of 1847. As in the case of the school for the deaf, it is an educational and not a charitable institution. Tuition is free on the broad



SCHOOL FOR THE DEAF



principle that the state is bound to furnish school facilities to all classes of her citizens alike. And as stated above, the provisions of the compulsory education law now include the blind.

Vincennes University, Vincennes. While Vincennes University is not a state institution in the sense of being supported by the state, yet it was endowed by a grant of lands made by Congress to the territorial government, and its history involves a contention with the state of almost a century's duration. Hence it seems appropriate to include a brief sketch concerning it here.

In 1804 Congress granted to the territorial government a township of land to endow a seminary of learning. The township was located in Gibson County in 1806, and contained 23,040 acres. In 1807 the university was chartered, and Vincennes chosen as its site. William Henry Harrison, then governor of the territory, was president of its first board of trustees. A brick building was erected from the proceeds of the sale of 4000 acres of the land granted by Congress, and the school was started, but progress was slow, in fact impossible, for lack of funds. Suspension came in 1823, and in 1824 the seminary was adopted as the County Seminary of Knox County, but the university was reinstated in 1840.

In 1823 a step was taken that involved the university and the state in a controversy which is still unsettled, after a lapse of eighty-seven years. Reference is to the sale by the state, following the suspension of the university, of the remaining 19,040 acres of land granted by Congress. The proceeds were turned over to the State University at Bloomington. In 1844 the Board of Trustees of Vincennes University instituted suits against the purchasers of the lands, in an

effort to recover them, but before any of the suits were allowed to come to an issue the legislature voluntarily assumed responsibility by passing an act permitting the university to institute suit against the state, which it did, securing judgment upon final appeal to the United States Supreme Court for \$66,580. Samuel Judy, the attorney for the university, retained from the amount of the judgment, which the state paid in bonds, \$25,000 for his services. Protesting that this fee was excessive, the university now sued him for recovery of a part of it, but was defeated. Later, the university, complained that it was not fully compensated, and in 1895 the legislature made it another appropriation of \$15,000. Next a claim for \$120,000 was preferred on the grounds of insufficiency of former settlements. A bill allowing this claim passed both branches of the general assembly in 1899, and was vetoed by Governor Mount. In 1901, and again in 1903, similar bills were introduced but defeated in the legislature. In 1903 the legislature appointed a commission consisting of the governor, secretary, auditor, and treasurer of state to investigate the claim. The result was that the secretary, auditor, and treasurer signed a majority report favoring the claim, and the governor (Durbin) a minority report opposed to it.

In 1907 the claim was again renewed, this time for \$120,548, and a bill directing that it be allowed, and bonds issued in favor of the trustees of the university for the amount, passed both houses of the general assembly. Governor Hanly vetoed it, setting forth his reasons in a message of great length. The general assembly promptly passed the measure over his veto by decisive majorities, and it became a law.

The bonds, when issued, required the signatures of the governor and the secretary of state to make them valid, and

when they were presented to the governor he refused to sign, but locked them up in his safe and held them until the meeting of the special session called in September, 1908, when he sent an earnest message to the legislature asking that the law authorizing the bond issue be repealed. This the legislature declined to do, and the matter then rested until Thomas R. Marshall succeeded to the governorship in 1909, when he signed the bonds. Ex-Governor Hanly then caused injunctive proceedings to be brought enjoining the secretary of state from attaching his signature, and the issue thus presented was taken before the Superior Court of Marion County, and a decision rendered upholding the validity of the legislative act and of the bond issue. An appeal to the supreme court was thereupon taken.

The university is directed by men of character and ability, and its work has been uniformly of the highest grade. Its fame is the pride of all, and while differences of opinion may exist in reference to the merits of the later claims prosecuted against the state, there can be only sympathy for its many adversities, and hopes for its prosperity in the future.

APPENDIX

SOCIALISTIC EXPERIMENTS AT NEW HARMONY THE RAPPITE COMMUNITY

Ideas and Purposes of Two Great Leaders. The name of New Harmony, a picturesque little city of about fifteen hundred inhabitants, located on the Wabash River in Posey County, Indiana, will ever be associated with the history of two of the most notable communistic experiments ever tried on the Western Continent. The first was that of George Rapp, a German religious enthusiast, and dissenter from the established German church, who emigrated to America in order to escape persecution, and enjoy liberty of thought and expression. In the spring of 1815, accompanied by about eight hundred followers, principally Württemberg peasants, he founded the village of "Harmonie," and "dedicated it to the uses of a Christian brotherhood." The settlement was conducted on the community plan, and prospered, in a material sense, until 1824, when the vast estate of almost 30,000 acres of land, including buildings, and town and plantation improvements, was sold to Robert Owen, a wealthy manufacturer and social reformer of New Lanark, Scotland. Owen also had a socialistic cure, but of a slightly different kind, for all human discontent. Rapp's panacea consisted of celibacy, Christian devotion, and communism. Owen's Utopia was to be brought about through coöperation, universal education, brotherly love, and the elimination of all forms of competition. No religious

motives entered into his plans. In fact, by denouncing all of the then accepted forms of religion he caused himself to be accused of unbelief, and his socialistic teachings and experiments were ever afterwards associated in the popular mind with atheism, or infidelity. And the fact greatly hampered the real and practical reforms in the interests of the laboring classes which he endeavored to promote, especially in England.

The Rappites and Harmonie. George Rapp, father of the first experiment at New Harmony, was born in 1757, and before coming to America resided at Württemberg, Germany. Although lacking the advantages of a liberal education, he was a careful and earnest student, especially of the Bible, and developed a very strong personality. He early came to regard the established German church as hopelessly degenerated from its former high standard, and refused to affiliate with it, or acknowledge its ecclesiastical authority. This brought upon him and his little band of adherents much persecution and contumely. After enduring it for a time, he gathered about him a considerable company of his most resolute followers, and prepared to emigrate with them to America.¹

It is evident that Rapp's ideas on socialism and communism were carefully thought out, and that he was shrewd enough to foresee that no scheme of absolute equality in service and privilege could be successfully enforced, even among the most simple-minded and docile, without first eliminating the institution of the separate family. Hence

¹ Another notable communistic experiment which followed that of Rapp was "Zoar," in Tuscarawas County, Ohio. It was also made up of German immigrants, and was led by Joseph Bimler. Before leaving the Fatherland Bimler and his followers had refused to pay taxes, denouncing the country, because of religious conditions, as "that great Babylon."

his injunction of celibacy. As a foundation for his doctrine on this subject, he professed belief that in the beginning both God and man possessed a dual nature, and that had Adam remained in his original state, possessing within his own person both the sexual elements, the race would have been propagated without the aid of the female. This curious doctrine was based on the scriptural passage found in the first chapter of Genesis: "So God created man in his own image, in the image of God created he him; male and female created he them." But Adam refused to be content until God separated the female part from his body, and created woman. This, according to Rapp, was the beginning of trouble in the world, and literally constituted the fall of man. Hence the doctrine of celibacy, which he would enjoin until the Adamic condition should be restored. In justification of the rule of a community of goods, and abolition of all forms of private ownership, he pointed to Acts iv. 32: "And the multitude of them that believed were of one heart and of one soul: neither said any of them that aught of the things which he possessed was his own; but they had all things in common."

Accompanied by his adopted son, Frederick, Rapp set out for the United States in 1803. He purchased a tract of 5000 acres of unimproved land near Zelienople, Pennsylvania, and settled about six hundred of his people on it. The immigrants brought their families with them, and were permitted to cherish the old ties for a time, but the marriage state was formally renounced in 1807, and those previously married were separated and forbidden longer to live together. The colony prospered and grew, but in 1813 it was determined to seek a more desirable location, principally because of climatic conditions and lack of navigation facilities.

Frederick Rapp was sent to examine into the advantages of other regions, and after extensive explorations selected the present site of New Harmony, Indiana.¹ The country was wild, and almost wholly uninhabited, but the soil was fertile, and the situation on the beautiful Wabash, being about fifty-five miles from the mouth of that stream, as picturesque and inviting as any earthly prospect could be. Here almost thirty thousand acres of choice land was purchased, to which the Rappites, about eight hundred strong, made removal in 1815, and established the village of "Harmonie," as before stated. They sold their possessions in Pennsylvania for \$100,000, which was regarded as a great sacrifice.

The industry of the newcomers was phenomenal, and they performed their tasks according to a discipline almost as perfect as that which controls an army.² They cleared the lands, planted and reaped their harvests, cultivated

¹ Frederick Rapp was an efficient lieutenant and trusted adviser of George Rapp. He looked after the outside business affairs of the colony, as a rule, and it was to his artistic taste that Harmony owed its reputation for being one of the most attractive villages in the country. And while in Indiana he won recognition politically. He was one of the delegates to the Constitutional Convention of 1816, and afterwards became a member of the legislature. He also served on the committee that located the State Capital at Indianapolis. He met a violent death after the return of the Rappites to Pennsylvania, and malicious gossip alleged that he was murdered at the instigation of his foster father, George Rapp, because he refused to put away his wife and observe the community rule of celibacy. The story seems to have been both wanton and absurd. It is practically certain that young Rapp was killed by a falling tree on the Economy estate.

² "Women as well as men labored in the fields, as many as fifty sometimes being employed in a body, harvesting wheat, or breaking flax in the streets. Often they marched to the fields to the music of a band, which was one of the regular institutions of the community. It is said that this band often played upon the hillsides while the peasants labored in the valley. A hundred acres of wheat were harvested by the sickle in a day—a remarkable result for that time."—GEORGE B. LOCKWOOD, in *The New Harmony Movement*.

orchards and vineyards, built homes and public buildings and factories and mills, and erected a church of such magnificence, in view of the time and the environment, that it was an object of wonderment to visitors.¹ All labored for the general good of the community, and lived on terms of exact equality.² All goods and property were owned in common.

Rapp's Methods of Control; St. Gabriel's Rock. Rapp was the supreme head and sole spiritual adviser of the community; and in order to fortify and render more absolute his authority, he did not scruple to make frequent appeals to the religious credulity and superstitious fears of his simple-minded followers. He professed on many occasions to be guided by divine communications received in visions, and is said to have employed various expedients to inculcate in the minds of his people the belief that he was omnipresent and possessed miraculous powers. Among these, so tradition says, was a secret underground passage-way from the cellar of his home to the granary or fort, and another to the pulpit of the church, enabling him to appear suddenly and mysteriously before his people at unexpected times. He kept on exhibition a large limestone slab, bearing the imprint of two bare feet, explaining to his people that the imprints were from the feet of the angel Gabriel,

¹ The church was in the shape of a Greek cross, and a London traveler, describing it at the time, exclaimed: "I can scarcely imagine myself to be in the wilds of Indiana, on the borders of the Wabash, while passing through its long and resounding aisles, and surveying its stately colonnades."

² The idea of perfect equality among the Rappites did not stop with the end of life, but was carried to the grave. There was no ostentation of mourning or of sorrow at the funeral of a deceased member, and the place of his burial was sodded over, with not so much as a mound of earth to mark his resting place. But a plan, or diagram, indicating the site of each grave, was kept.

who had alighted upon the earth to convey to the Rappites, through him, a message from heaven, and a warning of the near approach of the end of the world. The slab, though broken in halves, is still in existence, and is an object of great curiosity to visitors. It is known as "St. Gabriel's Rock."¹

Effects of the System upon the People; Removal to Pennsylvania. "Father" Rapp was cheerful, kindly, and sympathetic, and enjoyed the confidence and affection of his followers to a marked degree. They regarded him as a holy man and prophet. He taught self-sacrifice, humility, neighborly love, religious devotion, industry, purity, and the various personal virtues. The rule of celibacy was rigidly enforced. Separate quarters were maintained for the men and the women, and every individual had his or her stated task to perform. All were neatly though plainly clad, had plenty of good food, served at common tables, were given time for rest and recreation, and seemed as happy and contented as it is possible for mortals to be. However, the practical sociologist will likely tell you that it is a very rare

¹ The stone, before being broken, was eight feet by five, surface measurement, and eight inches in thickness. For a long time it figured in current newspaper discussion, and finally became an object of inquiry upon the part of scientists. The prints were described as having the appearance of being the impress of bare feet made in mud, and the mud so impressed having subsequently hardened into stone. There was an irregular rounded mark, or scroll, in front of the imprints, which was surmised to have been made with a stick in the hands of the prehistoric owner of the feet. With this kind of history, if authenticated, the stone would have been an object of unusual interest to antiquarians, but David Dale Owen, a scientist of reputation and an expert geologist, made a careful investigation, and his report proved fatal to the stone's principal charm of antiquity. It was found to be of limestone formation, belonging to the Paleozoic age — an age beyond any reasonable possibility of human habitation upon the earth. The footprints and scroll had been carved artificially, doubtless by the Indians in comparatively recent times, other such examples having been found. Rapp brought the stone from a quarry near St. Louis.

type of humanity that can be satisfied and kept in contentment with all individuality sunk to a common level, deprived of the associations of the opposite sex, and a ban placed upon every ambition to personal achievement.

Robert Dale Owen, writing of the effects of community life on these simple-minded German peasants, said: "The toil and suffering had left their mark, however, on the grave, stolid, often sad German faces. They looked well fed, well clothed (so my father told me), and seemed free from anxiety. The animal had been sufficiently cared for, and that is a great deal in a world where millions can hardly keep the wolf from the door, drudge as they will. . . . A shelter from life-wearing cares is something; but a temple typifies higher things — more than what we shall eat, and what we shall drink, and wherewithal we shall be clothed. Rapp's disciples had bought this dearly, at the expense of heart and soul. They purchased them by unquestioned submission to an autocrat who had been commissioned, perhaps as he really believed, certainly as he alleged, by God himself. He bade them do this and that, and they did it, commanded them to forego wedded life and all its incidents, and to this also they assented."

But under this system and direction these simple-minded toilers made the land to yield its fruits in rich abundance, and they enjoyed a degree of prosperity far beyond the best achievements of the occupants of the surrounding lands. The value of their property in 1820 was estimated at \$1,000,000, and in 1824 the per capita or average wealth had grown to \$2000, which was probably ten times the average wealth throughout the United States. The per capita wealth in the rest of Indiana at that time was about \$150. "Socially, however," truthfully writes Robert Dale Owen, "it was

doubtless a failure, as an ecclesiastical aristocracy, especially when it contravenes an important law of nature, must always be. Rapp was an absolute ruler, assuming to be such by virtue of a divine call, and it was said, probably with truth, that he desired to sell Harmony because life there was getting to be easy and quiet, with leisure for thought, and because he found it difficult to keep his people in order, excepting during the bustle and hard work which attended a new settlement."

In the midst of their prosperity, as if moved by a sudden impulse, the Rappites decided to go back to Pennsylvania. About this time Richard Flower, founder of the celebrated socialistic settlement in Edwards County, Illinois, accompanied by his son Edward, was preparing to return to England, and before departing was given a commission by Father Rapp to sell Harmony.¹ His efforts were successful, for in 1824 a sale was negotiated to Robert Owen. Although Harmony was reputed to be worth \$1,000,000, it changed hands upon a consideration of \$150,000, which, however, was a great advance over the price paid ten years before.

From Harmony the Rappites journeyed back to Pennsylvania and bought a large tract of land eighteen miles below Pittsburg, and erected on it the village of Economy. There is a conflict among the authorities as to why the Rappites left Indiana. One writer says they left on account of fever, ague, unpleasant neighbors, and remoteness from market. The last is probably the only one of the reasons given that really had weight, as, according to the assertions

¹ The two Flowers had greatly distinguished themselves by their active opposition to the extension of slavery into the free territory of Illinois. Edward Flower did not return to this country, but remained in England, making an honorable career for himself there. It was his daughter, Sarah Flower, who wrote the immortal hymn, "Nearer, my God, to Thee."

of the Rappites themselves, the fever and ague had about disappeared in 1824, and little intercourse was had with the settlers outside the Harmony community, so no serious annoyance could have been experienced from them. Good markets were remote from the Harmony vicinity at that time, however, and practically all the supplies that were needed had to be brought from Pittsburg. These two facts, unquestionably, supplied the real motive for so important a step. By the removal to Pennsylvania they not only got near their base of supplies, but close by an inexhaustible market. Another writer states that the Harmony property had become burdened with debt, and had to be sold. There is no evidence, however, that the Rappites had suffered any financial embarrassment. There were stories to the effect that when making the start to Economy, bullion was conveyed from Father Rapp's cellar to the boats in wagonloads. Certain it is that soon after their arrival in Pennsylvania, they not only had money to pay for their new estate, but were able to raise over \$100,000 in cash to pay to a party of seceders.

End of the Experiment. At the zenith of their prosperity, after the removal to Economy, the Rappites' estate is said to have been worth ten to twenty million dollars. But troubles and losses later ensued, the great leader of the movement became enfeebled under the weight of years, and finally died in 1847, at the age of ninety. Afterwards the Economy estate, deeply involved in debt, and burdened with destructive litigation, was managed by trustees. At the last it was administered upon as a corporation for the benefit of its fast dwindling membership, and the great experiment was at an end.

THE OWEN EXPERIMENT

Robert Owen and New Lanark; His Method of Winning a Wife. As the success of the Rappite community depended upon the strength, enthusiasm, and personality of George Rapp, waned with his enfeeblement, and died when he died, so the new movement at Harmony depended upon the spirit and physical presence of Robert Owen, its originator. In order to understand the real significance of this new attempt at social reformation, something must be known of the author and of his views and previous activities.

Robert Owen was born in North Wales in 1771, of humble parentage, and his educational opportunities were limited. At an early age he was apprenticed to a draper. Advancing from the drapers' trade he learned the cotton manufacturing business, and at the age of nineteen found himself the manager of a large cotton mill at Manchester, England, with five hundred employees under his charge. Being impressed with the vicious circumstances under which these and other factory employees earned their daily bread, he set about devising ways and means for their amelioration and relief. Deeply gratified with the results of such improved conditions as he was able to bring about, both in the added comfort, health, and morals of the employees, and the pronounced reflex benefit to the factory in more cheerful and proficient service, he advanced still farther, step by step, in various philanthropic endeavors in his working people's behalf. Under his humane and capable management the establishment was soon made one of the best of its kind in England. In this factory Owen received the first bags of American sea-island cotton ever imported into England.

But Owen's principal reputation as a successful manu-

facturer, social reformer, and philanthropist was made at New Lanark, Scotland, whither he was led by a love romance. While visiting Glasgow on a business errand, he met Miss Dale, daughter of David Dale, proprietor of the great cotton mills at New Lanark. Soon after his return to Manchester he wrote her a letter proposing marriage. She dutifully referred him to her father, making her consent conditional upon his parental approval. Thinking such approval quite doubtful under all the circumstances, Owen set about inducing his partners in the Manchester mill to join him in buying the New Lanark mill. The plan was successful, Owen was made manager of the newly acquired industry, and the wedding followed in due course, as he had planned.

About two thousand people were employed in the New Lanark mill, a fourth of whom were children. In his dealings with these, Owen employed the same kindliness, and exhibited the same humane and philanthropic interest that had marked his management and attitude at Manchester, except that he carried his plans much farther. He devised and put into operation various schemes for the moral and physical improvement of the surroundings, and the eradication of vice from among the employees. He provided for their education, and founded the first infant school ever opened on English soil. He opened a store where all articles were sold at cost, and during the American Embargo of 1806, when the mill could no longer receive a supply of raw cotton and was compelled to shut down, he continued to pay his employees their wages. The reforms he set in motion, and the help extended by way of education and the eradication of evils, affected not only his employees, but their families and the whole population of New Lanark. The fame of

Owen's philanthropy and of the model manufacturing community he had promoted, became not only national but international, and hundreds of visitors, including philanthropists, sociologists, educators, and even royalty, came from nearly every country of Europe to make observations.

But Owen's policies were not without their drawbacks in other ways. While he had brought good cheer and contentment to the employees of the mill, completely changed the moral atmosphere, imparted a new impetus to the natural desire of the people for better things, and increased the profits of the mill at the same time, his partners in the enterprise looked upon his benevolences as mere wastefulness at their expense, and figured that their profits would have been so much greater if Owen had followed the usual business methods elsewhere in vogue. So twice within a comparatively short time Owen was compelled to interest new groups of men to buy out the old ones, the price advancing each time. But attacks were now made on other grounds, and Owen was finally forced out of the New Lanark mills. He was taken to task for his moral and religious beliefs, and denounced as a heretic and an infidel. Such is the brand of public appreciation so often encountered by benefactors of the race. It has been so from the beginning of time.

The Owen Philosophy; Reforms Advocated. In the place of the existing forms of religion which he had denounced and swept aside, Owen thought out and adopted a creed of his own. The chief points in his philosophy were: Man's character is made not by him but for him; it is formed by circumstances over which he has no control; he is therefore not a proper subject for either praise or blame. These principles led to the practical conclusion that the great secret in the right formation of man's character is to place him under the

proper influences, physical, moral and social, from his earliest years. In other words, environment determines all.

Owen devoted many years to the advocacy of laws for the relief of the laboring classes in England. He was the first to urge legislation regulating the employment of children in factories and shops, and limiting the number of hours they should be required to work. His efforts were sincere, unselfish and untiring. But for his reward he seems to have earned the opposition both of the laboring classes themselves and of their employers. At least the two elements joined to encompass his defeat in a race he made for a seat in Parliament in 1819. The most damaging opposition encountered, however, was on account of his religious views. This hostility approached the effects of an excommunication, and largely neutralized his later efforts to bring about various practical reforms.

The Purchase of Harmony; Golden Dreams. The bargain for the Rappite possessions at Harmony was completed in 1825, when Robert Owen came into possession of nearly 30,000 acres of Indiana real estate, 3000 acres of which were under cultivation. The purchase included the village of Harmony, with its public buildings and great church, its homes, industries and various improvements. Henceforth the village was to be known as New Harmony, and here the new proprietor, unhampered by the conflicting interests of unsympathetic co-investors, was to put into operation plans for communistic colonization which he had long cherished, and promote the moral, physical and intellectual well-being of the people along lines of his own choosing. The full scope of his object was to reform society completely along socialistic and communistic lines. He would do away with selfishness by having all things held by the people in common,

and by abolishing private ownership of property. He would teach the truth and banish superstition; would substitute coöperation for competition, make education free and universal, and insure equal opportunities and equal privileges to all. He would bring about a direct distribution of the necessities of life from the producer to the consumer, and abolish the useless and expensive middleman.

The experiment was heralded by the press of the world, and on his way to New Harmony Owen stopped at Washington and addressed both Houses of Congress, with the President, judges of the Supreme Court, and other distinguished persons as auditors, explaining his plans for the redemption of the human race from the evils of the existing state of society, and exhibiting a model of the magnificent community house he proposed eventually to build. There was no trouble finding people willing to join in the experiment. It was formally launched April 27, 1825, and by Christmas the population of New Harmony had grown to fully a thousand people. About every known species of humanity was represented. An eminent writer says of the colony thus hastily formed by volunteer accessions, without any effort at selection or discrimination as between the fit and the unfit, "that the members were of the most motley description, many worthy people of the highest aims being mixed with vagrants, adventurers, and crotchety, wrong-headed enthusiasts."

There were cranks and hobby riders who came hoping to find an opportunity of putting their own schemes into operation rather than with an honest purpose to assist in a fair trial of Owen's theories. Others were led by curiosity alone, while many were attracted under the delusion that New Harmony meant a life free from responsibility or labor. Among the newcomers, however, were scores of enlightened

and progressive people from all portions of the United States and many countries of northern Europe.

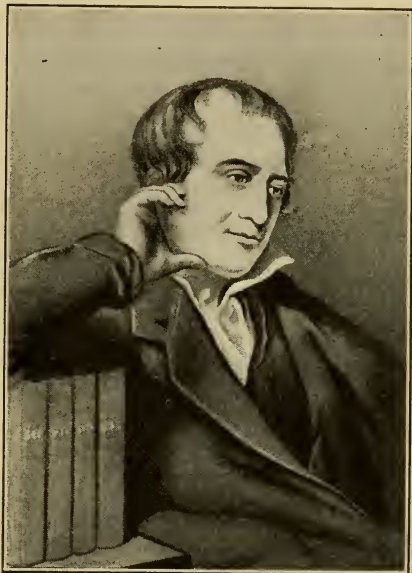
The Boatload of Knowledge. That Robert Owen approached the great undertaking at New Harmony with the highest ideals and the

purest motives, nearly every one was willing to admit. He enlisted the interest and co-operation of William Maclure, the wealthy scientist of Philadelphia, and through the combined influence of Owen and Maclure there was assembled at New Harmony "the most distinguished coterie of scientists and educators in America."¹

A hasty glance at the units forming this coterie will prove of interest, and will help

to explain why the "New Harmony Movement" has attracted so much more attention than other socialistic and communistic experiments, many of which have seemed to be far more successful.

First there was Maclure himself, a native of Scotland, who made the first geological survey of the United States. He was the principal founder of the Philadelphia Academy



WILLIAM MACLURE

¹ George B. Lockwood, in *The New Harmony Movement*.

of Natural Sciences, and was president of the society. He visited Pestalozzi's school in Switzerland and was the first to introduce the system of that great educator in the United States. For his geological researches he was known as the "Father of American Geology." It was his expressed ambition to make New Harmony the center of American education by introducing, and disseminating from there, the Pestalozzian system of instruction, and with this purpose Robert Owen was in fullest sympathy.

Next there was Thomas Say, who had earned the title of the "Father of American Zoölogy," and who devoted his time at New Harmony to the teaching of natural history. His wife was the talented Miss Lucy Sistare, who accompanied the distinguished party of scientists and educators to New Harmony in January, 1826. Others were: Dr. Gerard Troost, the famous Dutch geologist, and Charles Lesueur, scientist and artist. Lesueur was the first to classify the fishes of the Great Lakes, and the first to publish a description of the mounds and earthworks left in Indiana by the prehistoric race of Mound Builders. Then there were John Chappelsmith, English artist and engraver; Constantine Samuel Raffinesque, an authority on natural history; Professor Joseph Neef, a student of Pestalozzi's school, and Madame Marie D. Fretageot and Phiquepal d'Arusmont, and other Pestalozzian teachers; Frances Wright, afterwards the wife of Professor d'Arusmont, who was among the first American advocates of women's rights; the four sons of Robert Owen, namely: Robert Dale, William, David Dale and Richard.¹

¹ Robert Dale Owen, one of the four sons of Robert Owen, carved out for himself a notable career, and during the years of his activity held rank among the state's ablest and most prominent citizens. He was a speaker of great power, and possessed rare talents as a writer. He was elected to

On their way to New Harmony in January, 1826, most of this array of talent was borne in a keel boat which sailed from Pittsburg down the Ohio river to the mouth of the Wabash, thence up the Wabash to their destination. It has since been known as the "boatload of knowledge."

The Halfway House. The "Preliminary Society of New Harmony," denominated by its founder as the "halfway house between the old and the new," was formed May 21, 1825. The constitution was introduced by the modest statement that "the society is instituted generally to promote the happiness of the world." It provided that all members should render their best service for the good of the society, according to age, experience and capacity; that each member, within a fixed amount in value, should have the free choice of food and clothing, but above that amount no one should be permitted to draw on credit, except where it was

the lower house of the Indiana Legislature in 1836 and reëlected in 1838, serving two terms. He was elected to Congress in 1842, and again in 1844. In the legislature he advocated measures granting full property and social rights to women, and the establishment of "free, equal and universal schools" at the state's expense. On both subjects he left the impress of his zeal upon the statutes. He was also a member of the Constitutional Convention of 1850, wherein he was able to accomplish a still greater service for the cause of popular education. As a member of Congress he became the legislative father of the Smithsonian Institution. Among his published works *Beyond the Breakers, Footfalls on the Boundary of Another World*, a book on spiritualism, and *Threading My Way*, his autobiography, are the best known.

David Dale Owen held the office of State Geologist in 1837 and 1838 and was elevated to the office of United States Geologist in 1839. Becoming State Geologist again in 1859, after completing his work for the Government, he died in office, and was succeeded by his brother, Richard Owen, who served out his unexpired term and was himself reëlected. Richard Owen made an honorable record in the war for the Union, and at its close became professor of natural sciences in the Indiana State University, continuing in the position for fifteen years. William Owen, the other of the quartet of Robert Owen's sons, also possessed high intellectual powers, and made his mark as a teacher and journalist.

necessary for the proprietor to engage scientific and experienced persons at fixed salaries to superintend and teach, and fill other responsible positions. Such were to have a credit at the store according to their incomes. Otherwise the living should be upon equal terms to all. A credit and debit system for labor performed was provided. Provision was made for day schools and boarding schools for the children. Complete liberty of conscience for all was guaranteed, and differences between members were to be settled by arbitration.

About a month after the adoption of this constitution Owen left the colony for New Lanark, Scotland, intending to bring his family back with him. He returned in January, 1826, as a part of the freight of the "boatload of knowledge" heretofore mentioned.

Second Stage of the Experiment; Discord in Harmony. Upon his arrival Mr. Owen expressed great pleasure at the evidences of progress made, and announced that the "Preliminary society" should be dissolved at once, instead of waiting for the lapse of two years, as originally planned, and that the "Community of Perfect Equality" should be immediately inaugurated. A meeting was called and a committee of seven chosen by ballot to draft a new constitution. No less than nine sessions of the convention were thereafter held before an agreement could be reached and the constitution adopted. Then it fell far short of pleasing everybody. A number of the members of the society refused to sign it, and withdrawing to another portion of the estate founded a new society, which they called "Macluria."

Under the new constitution "services to the community were no longer to be rewarded in proportion to their worth, as under the Preliminary Society, but equal privileges and advantages were assured to every member." The new

plan was a thousand times less sane and practicable than the old, and hastened the downfall of the experiment. Within two weeks after the formation of the permanent "Community of Equality" and the adoption of the new constitution, anarchy reigned. The unreconciled theorists and hobby riders broke loose in very earnest; even men of sense and judgment disagreed. There were arguments, contentions, and disputations, leading to general disorder and a practical suspension of all work and industries. Under these circumstances the executive committee held a meeting and unanimously invited Mr. Owen to take personal charge of the community. He accepted, and exercising a practical dictatorship succeeded in bringing about a temporary calm. In March there was another secession, the second new community being called "Feiba Peveli."

That there were drones in the society under the new order of things, which vouchsafed equal privileges to all, and loud complaints on the part of the working bees, is proved by a contributed article in the *New Harmony Gazette*, the official organ of the society, in May, 1826, in which the writer complains that "industrious members have been compelled to experience the unpleasant sensation of working for others who are either unwilling or unable to do their share of the labor." A return to the system of debits and credits was wisely suggested. Then there were suggestions for a rearrangement of the members into smaller groups, preferably by occupations or trades, to insure a greater degree of "congeniality." And the idea to an extent was carried out, societies being formed of the educators, agriculturists, mechanics, etc., respectively.

Owen's Great Faith; Reorganization. Robert Owen was ever hopeful, and could see nothing ahead but success for the

New Harmony Community of Equality. The Duke of Saxe-Weimar visited the village at a time when practically every well-informed member was ready to admit that the beginning of the end was at hand, but of Owen the duke wrote: "He looked forward to nothing else than to remodel the world; to root out all crime, to abolish punishment, to create similar views and similar wants, and in this manner to abolish all dissension and warfare."

Another reorganization took place in September, 1826, whereby the official designation was changed to "the New Harmony Community Number I," and the government was vested in the proprietor and four directors of his appointment.

Imposed upon by Dishonest Men. Among the unscrupulous adventurers who came to New Harmony for the sole purpose of gaining selfish advantages, one William Taylor was probably the worst, and amply deserved the term in the penitentiary of a neighboring state which was finally awarded to him. Through some artifice he induced Robert Owen to sell him a tract of 1500 acres of land from the New Harmony estate, and the contract is reported to have read, "with all thereon." And on the night before the contract was formally executed Taylor gathered up all the agricultural implements, live stock and other property he could find on other portions of the estate, and moved them upon his own tract. And not content with this rascality, after having induced Owen to violate the principle of common property, he established a distillery on the purchased land contrary to Owen's wishes and in spite of his protest. Of the sale to Taylor, Paul Brown, a severe critic of Owenism, declared, "This maneuver swept away the last cobweb of fairy dreams of a common stock and community."

The End Comes; Owen's Last Address. On the first day of June, 1827, Owen took his departure for England, expecting to return shortly. Practical disintegration of New Harmony, Macluria, Feiba Peveli, and the other off-shooting societies from the original organization, followed. Human selfishness and individualism could no longer be restrained, especially when the conviction that the propaganda was a failure had taken firm hold on nearly all minds, and in the absence of the one man in all the world who could wield a semblance of influence over the discordant elements that had been drawn together in this great "undigested" socialistic experiment.

Owen came back in April, 1828, only to find his grand attempt at socialistic and communistic reform in hopeless collapse. But he was still reluctant to acknowledge defeat. In his last address in New Harmony Hall, April 13, 1828, he said: "I had hoped that fifty years of political liberty had prepared the American people to govern themselves advantageously. I supplied land, houses, and the use of capital, and I tried, each in their own way, the different parties who collected here; and the experience proved that the attempt was premature, to unite a number of strangers not previously educated for the purpose. I afterwards tried what could be done by those who associated through their own choice and in small numbers; to those I gave leases of large tracts of good land for ten thousand years for a nominal rent, and upon moral conditions only; and these I did expect would have made progress during my absence; and now upon my return I find that the habits of the individual system were so powerful that these leases have been, with few exceptions, applied for individual purposes and individual gain, and in consequence they must return again

into my hands. Monopolies have been established in certain departments without my indorsement; it was not my intention to have a petty store and whisky shop here." In closing he said: "I can only feel regret instead of anger. My intention now is to form such arrangements on the estate as will enable those who desire to promote the practice of the social system to live in separate families on the individual system and yet to unite their general labor; or to exchange labor for labor on the most beneficial terms for all; all to do both or neither as their feelings or apparent interests may influence them, while the children shall be educated with a view to the establishment of the social system in the future."

But very soon after Owen's departure all semblance of socialism disappeared. His financial loss is estimated at \$200,000. The residue of the New Harmony property was conveyed to his four sons, they signing a deed of trust for \$30,000, which yielded him an annuity of \$1500, his only support for many years.

After the failure at New Harmony, Owen returned to England, and continued to preach various reforms, principally in the interests of the laboring classes. He died in 1858, aged eighty-seven years.

Bread upon the Waters; Real Significance of the Owen-Maclure Experiment. The true significance of the Owen-Maclure experiment at New Harmony, as has truthfully been said, lies not so much in the things done as in the things attempted and the many beneficent influences set in motion. When account is taken of the progressive ideas promulgated so much in advance of contemporary thought, and of the reforms that grew, apparently, from the seeds sown at New Harmony, we should be slow to denounce the movement as having been wholly a failure. In its one central purpose,

namely, to change and reform the existing social system, it was of course a grotesque failure. But other ideas, affecting the happiness and progress of the race, took deep root in the rich soil of progressive liberalism in the direction of equal and universal education, of means of culture for the masses, of freedom of thought and expression, and of an untrammelled conscience. It was in the schools of New Harmony that the idea of coeducation of the sexes was first put into practical operation, and the same educational advantages accorded to girls as to boys. It was in these schools that corporal punishment was first abolished as being both unnecessary and demoralizing to the child. Robert Owen and William Maclure were among the very first advocates of a system of state schools supported by the public purse, "wherein without cost every child might receive an education equal to that of his fellows," and Robert Dale Owen, the gifted son and disciple of Robert Owen, was a leader among those who later engrafted the principle into Indiana's constitution, and framed the laws establishing our present unequaled system of free public schools and universal education. Maclure's Workingmen's Institute, established at New Harmony in 1837, was the first of its kind in the United States, and it stands until this day a monument to his fame, as well as a model and prototype for the hundreds that have since sprung into existence in imitation of it. The first trade school, the first infant school and the first kindergarten in America were those established at New Harmony, and it was from here that the Pestalozzian system of instruction was first introduced into American schools. The second industrial school in the country was that established by Maclure at New Harmony. And William Maclure antedated Andrew Carnegie by a full half-century in that splendid

form of philanthropy which finds expression in the gift of public libraries. As a result of a provision in his will no fewer than one hundred and sixty frontier settlements were supplied with collections of good books for free circulation; one hundred forty-four of these were in Indiana, and sixteen in Illinois.

New Harmony after the Experiment. Nor did New Harmony cease to be a center of educational activity and influence after the final collapse of the Owen socialistic-communistic experiment in 1828. William Maclure and others of the distinguished scientists, sociologists and educators attracted during the stirring community days, remained at New Harmony, and the place continued to be a Mecca for scientists and educated travelers for many years. With David Dale Owen holding the office of United States Geologist, New Harmony was headquarters of the United States Geological Survey from 1837 to 1856. It was here that Josiah Warren established his "Time Store" in 1842, and John James Audubon, the great ornithologist, then proprietor of a sawmill at Henderson, Kentucky, was a frequent visitor.

For its historic associations, the lessons it has taught, and the distinguished names that will always remain linked with the story of its being, New Harmony will never cease to be an interesting spot to the student and the thoughtful visitor.

NOTE. — For an exhaustive study of the socialistic experiments at New Harmony, Col. George B. Lockwood's *The New Harmony Movement* is especially commended.

GEOLOGIC INDIANA

Sequence of Geologic Epochs, and the Origin of Natural Gas and Crude Petroleum. The geologist begins his reckonings with the Azoic age of Archæan time, when the oldest known rocks were formed, and there was neither vegetable nor animal life. After Archæan time there followed the geologic period known as Paleozoic time, or the "Æon of Ancient Life," embracing the Upper and Lower Silurian ages, the Devonian era, and the Carboniferous era. At the beginning of the Paleozoic period, which was doubtless many thousands of centuries in duration, what is now Indiana "was covered by a broad ocean which stretched far away to the southwest, while to the north and northeast it extended beyond the present sites of the Great Lakes." It was in the subdivision of Paleozoic time known as the Lower Silurian era that the Trenton rock, which in modern times became so notable as the source of natural gas and crude petroleum in Indiana, was laid down. The presence of these wonderful natural fuel products in the Trenton rocks, which are of limestone formation, is due to the confinement by a sedimentary covering of myriads of polyps and other low forms of animal life, along with an abundant marine plant life, which entered into the composition of the stone. Being shut off from the air by the water, the mud, and other materials, decay was prevented, and instead there occurred a slow process of decomposition, or distillation, which resulted in the formation of the gas and the oil. The process continued through æons of time, but no new supply is being formed now. Like coal, the gas and oil are stored products, and cannot be replenished when exhausted. For a decade following the discovery of its commercial uses in 1886 the output of gas in Indiana was worth millions each year. But the supply was wasted by a huge prodigality that was little short of criminal. The diminished quantities being produced at the present time are devoted to light manufacturing and domestic uses only. Petroleum ranks next to coal among the state's most valuable natural resources. For the last eighteen years the product has averaged in value over four million dollars annually. The gas and oil area comprises between four thousand and five thousand square miles, with its center in the vicinity of Anderson, in Madison county.

Building Stones and Caves. After the Lower and the Upper Silurian periods, the rocks of the Devonian epoch were laid down in the ocean and in time upheaved. These rocks are made up for the most part of limestone and black shales. The latter are sometimes mistaken for coal. They contain some oil, and will burn for a short time, but are of no value as fuel. From the limestones of this period what is known as hydraulic, or natural rock, cement is made in the southern part of the state.

Following the Devonian period came that of the Lower Carboniferous. The rocks of this epoch are comprised of what is known as knobstone, or sand shales, and the Lower Carboniferous limestone.

"Two features of this Lower Carboniferous area in Indiana are worthy of especial note. First is the Bedford oölitic limestone, which is noted as the finest building limestone in the United States. It is composed of the globular shells of minute one-celled animals, which were deposited in untold myriads in the sea waters of the time. The shells or cell walls of these animals were composed of a very pure form of carbonate of lime, and when they died and sank on the old sea bottoms they were cemented together by the same material. Under the lens they resemble a mass of fish eggs soldered together, hence the name 'oölitic,' which means 'like an egg.' The Bedford limestone is noted among architects for its strength and durability, and for the ease with which it may be sawed or carved into any desired form.

"Second, it is among these Lower Carboniferous rocks of southwestern Indiana that we find the noted caves of the state. These were formed in the limestone by the erosion of underground waters. Some of them possess great vaulted rooms, deep pits, high waterfalls, and streams of water large enough to allow the ready passage of a boat. All of these caves are due to the action of water. During the ages which have elapsed since the limestone was raised above the sea, it has carved every room and passage in these caves, and has formed, by solution and evaporation, the wonderful stalactites and other formations which decorate the walls and ceilings of the rooms. The largest and most noted of these caves is that known as 'Wyandotte,' in Crawford county, which excels in beauty the mammoth cave of Kentucky. It contains nearly five miles of subterranean passages, and the largest underground rooms known to man."¹

Upper Carboniferous or Coal Era. It was sometime toward the close of the Lower Silurian era that the "Cincinnati Uplift" took place, which brought to the surface a large area of land, a part of it

¹ Professor Blatchley.

lying in what is now southeastern Indiana. Gradually by the workings of nature other portions of the state were lifted above the waters, and during the age of Acrogens, or the Carboniferous or coal-forming era, a rank vegetation grew upon the marshy shores of the warm inland sea. As time passed these growths developed into "boundless forests and jungles," and finally by another mild cataclysm of unstable nature they were submerged, and afterwards covered over with *débris* and marine deposits. Then through the process of other uncounted centuries these buried forests and jungles were converted into coal, which by the release of its stored-up heat, is now contributing to the comfort and utility of the people of the world. Each of the five veins of coal existing under the surface of the state represents a separate emergence and submergence of the land sometime during those far-off, ancient times.

The coal area comprises about 7500 square miles in the southwestern part of the state. The operations in this area have been sufficient during the last few years to place Indiana sixth in rank among the coal-producing states of the Union. The output in 1908, which because of the stringency of the times was somewhat below the average, amounted to 11,997,304 tons, valued roughly at twelve million dollars. It is estimated that over thirteen and a half billion tons of workable coal still remain beneath the surface, but at the present rate of removal the supply will be exhausted in less than two centuries.

The Glacial Epoch, or the Age of Ice, and its Special Significance to the People of Indiana. Next following the Carboniferous era was the Mesozoic, or Middle time, corresponding to the age of Reptiles, then the Cenozoic, or Recent time, being classified also as the age of Mammals. The Cenozoic epoch is divided into Tertiary and Quaternary eras, the last named being also commonly known as the Post-Tertiary era. The Glacial epoch, the results of which proved to be of such profound consequence to the people of Indiana, is generally assigned to the Post-Tertiary period.

It is fruitless to inquire the duration in years of these various geologic epochs. Not even an approximate answer can be given. Estimates have been attempted of the lapse of time since the close of the glacial epoch, or the great ice invasion from the north, but this pretty nearly marks the boundary line of scientific daring. A year is so brief a measure of duration that it is inadequate and meaningless when used to express the time required by nature to complete her terrestrial and cosmic processes, even if we knew how to compute it.

In endeavoring to account for that most singular phenomenon in the earth's geologic history, the glacial invasion, scientists have made

various estimates of the time since the era closed. These estimates range from eight thousand to thirty thousand years. The lower estimate is based largely upon computations of the annual rate of erosion of the beds of the Niagara and other rivers whose courses are known to have been changed by the glaciers. The purpose is to resolve, if possible, the more important question of whether or not the phenomenon will recur at some future time. With a return of the glacial period human habitation would not be possible, except perchance to some race like the Eskimos, anywhere in Canada, or in more than half of the United States. All of northern and most of central Europe would be similarly destroyed and depopulated. So the question of recurrence is a very important one, even though it may appear to concern future generations only.

Although it may have been no more than ten thousand or twenty thousand years since the glaciers yielded to the power of the sun's rays, melted away and were carried to the ocean in the form of huge torrents of water, filling not merely the banks of present streams, but the wide valleys in which they lie, it was doubtless ages before that they began their resistless advance.¹ On this continent the main gathering grounds of the glaciers appear to have been in Greenland, and around Hudson Bay, and to the westward. They were huge sheets of ice, accumulated through the falling, freezing and packing of snow. Scientists tell us that in places these accumulations were thousands of feet, aye, even miles in thickness, covering vast areas of land, and in some instances overtopping the summits of mountains. They moved slowly to the southward, in irregular, uneven lines of advance, cutting down mountains, smoothing away hills, filling the valleys and rasping and grinding the surface of the ground to undulating plains. As the glacier moved slowly forward "great masses of partly decayed rock and clay from hillsides and jutting cliffs rolled down upon it and were carried on and on until, by the melting of their icy steed, they were dropped hundreds of miles from the parent ledge." Usually along the edge of a glacier a long line of drift, in the form of stones, sand and clay, much of it ground to powder, would be ridged up. These ridges still remain, marking the courses traveled by the glaciers, and are called moraines. Then when the glacier would stop, or arrive at a point where the sun would melt away the front of the ice sheet faster than it could advance, the rocks and débris, carried from the far north as above related, would fall to the ground and form other ridges, lying at right angles to the direction

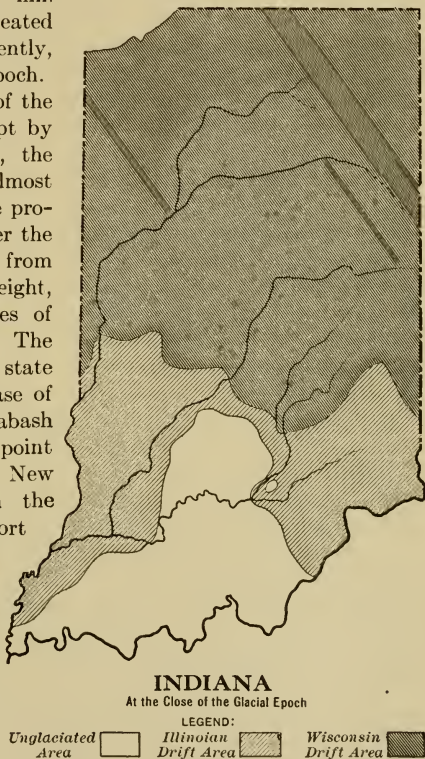
¹ Thirty thousand years is the estimate of the lapse of time since the close of the glacial period favored by Prof. W. S. Blatchley, Indiana State Geologist.

traveled by the glacier. These are known as terminal moraines. The moraines are one hundred to three hundred feet higher than the general level of the surrounding land in places, and frequently hills were formed by glacial action. Historic Bunker Hill, near Boston, is a conspicuous example of a glacial drift hill. There are evidences of repeated ice invasions, but all, apparently, took place during the one epoch.

More than three fourths of the surface of Indiana was swept by these mammoth ice packs, the principal one advancing almost due south with vast lobelike projections. The moraines over the state are numerous, ranging from twenty-five to fifty feet in height, and determining the courses of rivers in many instances. The unglaciated portion of the state is a triangular area, the base of which extends from the Wabash near New Harmony to a point about halfway between New Albany and Madison, on the Ohio, and the apex to a short distance north of Martinsville, in Morgan county.

Glacial Effects on Soil and Physical Conformation; Aspect of a Glacier in Indiana. The evident glacial aspect as it appeared in Indiana is graphically presented by Mr. F. B. Taylor, of Fort Wayne.

When the first ice sheet reached its greatest advance into the region, the ice, this writer declares, "was at least five hundred or six hundred feet deep over the present site of Terre Haute and nearly as deep over that of Indianapolis, and it thickened gradually northward. If an observer could have stood on one of the hills in Brown county at that time, he would have seen to the east of him the great wall of the ice front extending south toward Kentucky, while toward the west it would have been



seen in the distance stretching away toward the southwest. For hundreds of miles to the east and west, and for two thousand miles or more to the north, the glaring white desert of snow-covered ice, like that in the interior of Greenland, would have appeared, stretching away out of sight, with not a thing under the sun to relieve its cold monotony."

Prof. W. S. Blatchley, State Geologist, describes most interestingly the effects of the visitation upon soil and conformation and upon the animal life of the period: "By the incursions of the various ice sheets all the so-called 'drift soils' of northern and central Indiana were accumulated where they lie. Derived, as they were, in part, from the various primary and igneous rocks in the far north, ground fine and thoroughly mixed as they were by the onward moving force of a mighty glacier, they are usually rich in all the necessary constituents of plant food. Principally to them does Indiana owe her present high rank as an agricultural state. All the level and more fertile counties lie within this drift-covered area, and its southern limit marks, practically, the boundary of the great corn and wheat producing portion of the state. But few of the inhabitants of Indiana realize how much they owe to this glacial invasion of our domain in the misty past. It not only determined the character of the soil, the contour of the country and the minor lines of drainage, but in manifold other ways had to do with the pleasure, the health, and the prosperity of the present population.

"When the final ice sheet gradually receded from the area now comprising Indiana, the surface of the glaciated portion was left covered with a sheet of drift or till composed mainly of clay, gravel and bowlders, and varying in thickness from one to four hundred feet or more. Over the greater portion of this area the surface of the drift was comparatively level, but in the northern fourth of the state it was in numerous places heaped up in extensive ridges and hills, due to irregular dumping along the margins and between the lobes of the melting ice sheets. In the hollows or low places between those ridges and hills the waters of the melting ice accumulated and formed those hundreds of fresh-water lakes which are to-day the most beautiful and expressive features of the landscape in the region where they abound. At first all of those yet in existence were much larger than now, while for every one remaining a score have become extinct.

"A new vegetation soon sprang up over the land left desolate and barren by the retreating ice. The climate gradually became much warmer than it is to-day. The great expanse of water in lakes and rivers, aided by the increase in temperature, gave rise to excessive moisture. Fostered by the rich soil and the mild, moist atmosphere, a vast forest of deciduous trees spread over the larger portion of the

state. Through this forest and about the margins of the lakes and marshes there wandered for centuries the mammoth and the mastodon, the giant bison and the elk, the tapir and the peccary, the mighty sloth, and that king of rodents, *Castoroides Ohioensis*. Preying upon these and smaller mammals were the great American lion, and tigers and wolves of mammoth size. The bones and teeth of all these extinct animals have been found buried beneath the surfaces of former bogs and marshes in various portions of the state. It is not improbable that with them was also that higher mammal — man — in all the nakedness of his primitive existence.

“But over this phase in the evolution of the future Indiana there came again a change, for Nature knows no such thing as rest. . . . The climate gradually grew less moist, more cool. The mammoth, the mastodon and contemporaneous mammals disappeared, and in their stead came countless thousands of buffalo and deer. With them came, too, that son of Nature — that descendant of the naked barbarians of centuries before — the noble Red Man. From out of that dark night which hangs forever over all we know or shall know of early America he came — a waif flung by the surge of time to these later ages of our own.”

What Caused the Glacial Period? Some Theories Advanced. Many theories have been advanced in attempted explanation of the causes leading to the formation of the glaciers, but scarcely is an hypothesis comfortably worked out and labeled by one scientist when another comes along and deals demolition to it in the form of objections that cannot be answered. There is no generally accepted scientific explanation. It is known that a climatic change was brought about by some unexplained phenomenon which resulted in an extraordinary snow precipitation in the north, and that the temperature was at the same time lowered to a point which maintained the snow in a frozen condition through all the seasons. It therefore continued to pile up and compress itself into ice year after year, and century after century, until it was thousands of feet in depth, and began to be crowded to the southward by the weight of its own enormous mass and by its powers of expansion. As it advanced it carried with it into the more southern climes the cold breath of the arctics, and by so doing prolonged the conditions which made its existence possible. The reasons for the glacier must necessarily be sought in the influences which changed the climate. One theory advanced is that a change took place in the elevation of the land in the northern hemisphere, the higher altitude conducing to a lower temperature, hence the unmelting snow and the glacier; that the weight of the glacier, when it had reached its greatest development, caused a

subsidence of the crust of the still plastic earth, restoring the former climatic conditions, when the ice melted away.

Others have sought explanation in possible changes in the direction of ocean currents, or the prevailing winds, or other causes leading to changes in the distribution of the earth's heat. One theory is based upon a shifting of the polar axis. Probably the most elaborate theory, and the one which appealed to scientists for the longest time, was that urged by Professor Croll. The Croll hypothesis is based primarily upon the "precession of the equinoxes." The earth is now in perihelion in the winter time, and three millions of miles nearer the sun than in the summer time, when it is in aphelion. But 10,500 years ago the condition was the reverse, the earth being farthest from the sun in the winter time and nearest in the summer. This reversal of present-day conditions was thought sufficient by Professor Croll, and those accepting his views, to have effected a change of climate in the northern hemisphere that might, in conjunction with other contributing causes, account for the glaciers. According to this theory, another glacial period might confidently be expected 10,500 years hence, when the astronomical conditions of 10,500 years ago will exactly recur. This would fix a periodicity of 21,000 years for the return of the glaciers. In objection it is about sufficient to say that there are evidences of only one glacial period, whereas if the theory explained were true there should have been one every 21,000 years throughout all the ages that have elapsed since the earth's internal heat subsided, or the present crust was formed. Then it is pointed out that the earth receives the same amount of heat in the course of the year, whether nearest the sun in summer or in winter.

Other theories have to do with changes in the earth's internal heat, changes in the temperature of space, and variability in the power of the sun.

But the mystery remains unsolved, and for the present must continue among the baffling secrets which Nature still chooses to withhold from inquiring man.

MISCELLANEOUS FACTS OF INTEREST

Indiana the Hub of the Union. The interesting imaginary point representing the center of gravity of the country's population has been located in Indiana for the last two decades. It is spoken of as the "center of population," and is calculated anew with the completion of each United States census. In 1890 it was found to be near Greensburg, in Decatur County, having traveled westward from near Cincinnati since 1880. Between 1890 and 1900 it moved about twenty miles still farther westward, settling down at a point near Columbus, in Bartholomew County. And in no other census decade did it come so near remaining stationary, indicating almost an equal balance in the growth of population as between the east and the west, and the north and the south. In 1790, the date of the first census, the center of population was near Baltimore, Maryland. In the 110 years between that date and the twelfth census in 1900, it traveled a distance of about 500 miles, following the 39th parallel westward, with but slight variations to the north or the south. It is believed that the census of 1910 will confirm to Indiana the honor of being the "Hub of the Union" for another ten years, as there seems to have been no unusual movement or growth of population in any particular locality that would influence the center of gravity more than a few miles.

The Grave of Nancy Hanks Lincoln. A sacred spot on Indiana soil is the grave of Nancy Hanks Lincoln, the mother of our first martyred President. It is located near the little town of Lincoln City, in Spencer County, and a beautiful but unostentatious monument marks the site. The grave and twenty-one acres of land surrounding it constitute a public reservation, owned by the state. The grounds were donated by Spencer County, and the monument was erected with funds raised by popular subscription. The care of the grave, and the beautification of the grounds, are intrusted to a board of commissioners consisting of three members, two of whom are appointed by the governor, the third being the secretary of the state board of forestry, acting ex-officio. Five thousand dollars were appropriated by the legislature of 1907 to be used in inclosing and improving the grounds, and an annual appropriation of five hundred dollars was voted for keeping the premises in condition and repair.

About one-half mile from the little cemetery in which Nancy Hanks Lincoln found a last resting place, and now included in this reservation, stands the "Lincoln Tree," which marks the spot where stood the humble cabin home of the Lincolns during their residence in Indiana. The family had moved there from Kentucky to escape an epidemic of "milk sickness," which had attained almost to the proportions of a scourge in their native state. Here young Abraham spent a part of his boyhood days, and suffered his first great grief, caused by the death of his mother.

State Erects Monument to Indians. In other localities monuments to famous Indians have been erected with contributions by white people,



MONUMENT TO NANCY HANKS LINCOLN

but Indiana is probably the only state making an appropriation from public funds for the construction of a memorial to the vanished race of Red Men. At the legislative session of 1907 an appropriation of \$2500 was voted for the purpose of acquiring suitable grounds at Menominee Village, in Marshall County, erecting a monument thereon, and rebuilding the old Indian chapel long since fallen into decay. The provisions of the act being complied with, a beautiful monument, cut

from Vermont granite, was unveiled with appropriate ceremonies, on September 4, 1909. It consists of a pedestal ten feet high, surmounted by a statue of an Indian seven feet high.

The Indians of Menominee were Potawatami. Chief Menominee, head of the village, and a number of his people were forcibly removed to a western reservation in 1838. Before going a last grand council was held, at which the heartbroken chief made an address full of impassioned eloquence, reciting the many wrongs visited upon his people by their white brothers. He was a convert to Christianity, and had worshiped at the little Indian chapel for many years. The reconstructed chapel and the monument are located at Twin Lakes, five miles from Plymouth.

The Hoosier's Nest. The widespread use of the term "Hoosier," as applied to the people of Indiana, received its first great impetus in the publication in the *Indianapolis Journal*, in 1833, of John Finly's celebrated poem, "The Hoosier's Nest." It appeared in the form of an annual "Carrier's Address," and was written from the author's home at Richmond.

In the first edition of the poem the appellation was spelled "Hoosher." In subsequent revisions the author changed the spelling to "Hoosier." "Hooshier" was another early form of the word, indicating an evolution, as well as an uncertain origin and meaning.

In the poem the subject of Indiana is first approached in the lines:

"Blest Indiana! In whose soil,
Men seek the sure rewards of toil,
And honest poverty and worth
Find here the best retreat on earth,
While hosts of preachers, doctors, lawyers,
All independent as wood sawyers,
With men of every hue and fashion,
Flock to this rising Hoosier Nation."

But the graphic and ingenuous description of the Hoosier's nest is what gave point to the poem and made it immortal:

"Suppose in riding somewhere West
A stranger found a Hoosier's Nest,
In other words, a buckeye cabin
Just big enough to hold Queen Mab in.
Its situation low but airy,
Was on the borders of a prairie,
And fearing he might be benighted
He hailed the house and then alighted.

The Hoosier met him at the door,
He took the stranger's horse aside
And to a sturdy sapling tied;
Then, having stripped the saddle off,
He fed him in a sugar trough.
The stranger stooped to enter in,
The entrance closing with a pin,
And manifested strong desire
To seat him by the log heap fire,
Where half a dozen Hoosieroons,
With mush and milk, tin cups and spoons,
White heads, bare feet and dirty faces,
Seemed much inclined to keep their places.
But Madam, anxious to display
Her rough and undisputed sway,
Her offspring to the ladder led
And cuffed the youngsters up to bed.
Invited shortly to partake
Of venison, milk and johnny-cake,
The stranger made a hearty meal
And glances round the room would steal.
One side was lined with skins of varments,
The other spread with divers garments.
Dried pumpkins overhead were strung
Where venison hams in plenty hung,
Two rifles placed above the door,
Three dogs lay stretched upon the floor,
In short, the domicile was rife,
With specimens of Hoosier life.

“The host who centered his affections,
On game, and range, and quarter sections,
Discoursed his weary guest for hours,
Till Somnus' ever potent powers
Of sublunary care bereft them,
And then I came away and left them.
No matter how the story ended,
The application I intended
Is from the famous Scottish poet,
Who seemed to feel as well as know it,
'That buirdly chiels and clever hizzies
Are bred in sic a way as this is.'”

REFERENCE NOTE.—An exhaustive study of the origin and significance of the term “Hoosier,” prepared by that most accurate and painstaking student of early Indiana history, Jacob Piatt Dunn, appears in the *Indiana Historical Society Publications*, Vol. IV., No. 2, published by the Bobbs-Merrill Company, Indianapolis, 1907.

Distinguished Talent From Brookville. The quaint old town of Brookville, located in the valley of the swift-running White Water, and nestling cozily among the rugged though picturesque hills of Franklin County, claims the honor of having furnished to the state and to the world more distinguished talent than any other spot of equal dimensions on the map. It is one of the oldest towns in the state following the original French settlements, and its founders represented the best blood of the early New England stock as it began to release its vitalizing flood toward the great new west.

Comprised within the honor roll of distinguished citizens past and present who have claimed Brookville as home by reason of birth or bona fide residence, are the following: Hiram Powers, the world-famed sculptor and artist; James B. Eads, builder of the St. Louis bridge and constructor of the Mississippi jetties; James Brown Ray, Noah Noble, David Wallace¹ and Abram A. Hammond², governors of Indiana; John P. St. John, governor of Kansas; Stephen S. Harding, governor of Utah; James Noble and Robert Hanna, United States Senators from Indiana and Jesse B. Thomas and John Henderson, Senators from Illinois and Mississippi, respectively; Congressman John Test; General Lew Wallace, soldier, diplomat and author; Rear Admiral Oliver H. Glisson; Capt. W. F. Herndon, explorer of the Amazon country, and officer in the United States Navy, who went down to death in 1857 while standing heroically at his post on the *Central America*, when that ill-fated vessel sank beneath the sea with her five hundred passengers and two millions of treasure on board; Postmaster General James N. Tyner, and Assistant James Clarkson; Edward H. Terrell, minister to Belgium, and George C. Hitt, vice consul to London; General Pleasant A. Hackleman. And the list might be prolonged, but enough is given to justify Brookville's pride in the achievements of her sons. Maurice Thompson, author of *Alice of Old Vincennes*, was born at Fairfield, also in Franklin County.

¹ Wallace also represented his district in Congress, and in 1843 cast the deciding vote in favor of the appropriation to aid Prof. S. F. B. Morse to construct the first telegraph. The act brought him ridicule and censure at home, and caused his defeat for re-election. The people thought the scheme foolish and visionary, and resented the expenditure of public funds to promote dreams. Governor Wallace was the father of Gen. Lew Wallace.

² Lieutenant governor under Governor Willard, and acting governor after his chief's death in 1860.

UNITED STATES SENATORS FROM INDIANA

James Noble, from 1816 to 1831.
Waller Taylor, from 1816 to 1825.
William Hendricks, from 1825 to 1837.
Robert Hanna (appointed, vice Noble), 1831.
John Tipton (appointed), from 1831 to 1833.
John Tipton, from 1833 to 1839.
Oliver H. Smith, from 1837 to 1843.
Albert S. White, from 1839 to 1845.
Edward A. Hannegan, from 1843 to 1849.
Jesse D. Bright, from 1846 to 1862.¹
James Whitcomb, from 1849 to 1852.²
Charles W. Catheart (appointed, vice Whitcomb), from 1852 to 1853.
John Petit, from 1853 to 1855.
Graham N. Fitch, from 1857 to 1861.³
Joseph A. Wright (appointed, vice Bright), from 1862 to 1863.
Henry S. Lane, from 1861 to 1867.
David Turpie, 1863. (Unexpired term of Bright.)
Thomas A. Hendricks, from 1863 to 1869.
Oliver P. Morton, from 1867 to 1877. (Died.)
Daniel D. Pratt, from 1869 to 1875.
Joseph E. McDonald, from 1875 to 1881.
Daniel W. Voorhees (appointed, vice Morton), from 1877 to 1879.
Daniel W. Voorhees, from 1879 to 1897.
Benjamin Harrison, from 1881 to 1887.
David Turpie, from 1887 to 1899.
Charles W. Fairbanks, from 1897 to 1905.⁴
Albert J. Beveridge, from 1899 to —.
James A. Hemenway, from 1905 to 1909
Benjamin F. Shively, from 1909 to —.

¹ Expelled February 5, 1862. (Vacancy one year, 1845.)

² Died, and was succeeded by John Petit.

³ The position remained vacant for two years, and was filled by election of Graham N. Fitch, 1857.

⁴ Resigned March 4, 1905, having been elected Vice-President; James A. Hemenway elected to succeed.

POPULATION OF INDIANA FROM 1800 TO 1910, WITH
INCREASE FOR EACH DECADE, BY NUMBER
AND PER CENT

Census Decade.	Population.	Increase.	
		Number.	Per Cent.
1800.....	5,641		
1810.....	24,520	18,879	334.7
1820.....	147,178	122,658	500.2
1830.....	343,031	195,853	133.1
1840.....	685,866	342,835	99.9
1850.....	988,416	303,550	44.1
1860.....	1,350,428	362,012	36.6
1870.....	1,680,637	330,209	24.5
1880.....	1,978,301	297,664	17.7
1890.....	2,192,404	214,103	10.8
1900.....	2,516,462	324,058	14.8
¹ 1910.....	2,843,602	327,140	13.0

¹ The figures for 1910 are estimates.

INDIANA'S VOTE AT PRESIDENTIAL ELECTIONS FROM
1820 TO 1908

Year.	Candidates.	Popular Vote.	Plurality.	Elec- toral Vote.
1820	² James Monroe, Democrat-Rep..	(No op- position)	.....	5
1824	Andrew Jackson, Dem.....	7,343	2,028	5
	Henry Clay, Whig.....	5,315	.....	.....
	² John Q. Adams, National Rep....	3,095	.....	.....
1828	² Andrew Jackson, Dem.....	22,237	4,585	5
	John Q. Adams, National Rep....	17,625	.....	.....
1832	² Andrew Jackson, Dem.....	31,552	16,070	9
	Henry Clay, Whig.....	15,472	.....	.....
1836	² William Henry Harrison, Whig..	41,281	8,801	9
	Martin Van Buren, Dem.....	32,480	.....	.....
1840	² William Henry Harrison, Whig..	65,362	13,667	12
	Martin Van' Buren, Dem.....	51,695	.....	.....

² The candidate that was elected.

Year.	Candidates.	Popular Vote.	Plurality.	Elec- toral Vote.
1844	¹ James K. Polk, Dem.....	70,181	2,314	12
	Henry Clay, Whig.....	67,867		
	J. G. Birney, Abolitionist.....	3,106		
1848	Lewis Cass, Dem.....	74,745	4,838	12
	¹ Zachary Taylor, Whig.....	69,907		
	Martin Van Buren, Free Soil Dem.....	8,109		
1852	¹ Franklin Pierce, Dem.....	95,340	14,439	13
	Winfield Scott, Whig.....	80,901		
	John P. Hale, Abolitionist.....	6,929		
1856	¹ James Buchanan, Dem.....	118,670	24,295	13
	John C. Fremont, Rep.....	94,375		
	Millard Fillmore, American.....	22,386		
1860	¹ Abraham Lincoln, Republican...	139,033	23,524	13
	Stephen A. Douglass, Dem.....	115,509		
	John C. Breckenridge, Dem.....	12,295		
	John Bell, Constitutional Union.....	5,303		
1864	¹ Abraham Lincoln, Rep.....	150,452	20,219	13
	George B. McClellan, Dem.....	130,233		
1868	¹ Ulysses S. Grant, Rep.....	176,548	9,568	13
	Horatio Seymour, Dem.....	166,980		
1872	¹ Ulysses S. Grant, Rep.....	186,147	22,515	15
	Horace Greeley, Fusion-Dem....	163,632		
1876	Samuel J. Tilden, Dem.....	213,526	5,515	15
	¹ Rutherford B. Hayes, Rep.....	208,011		
1880	¹ James A. Garfield, Rep.....	232,164	6,642	15
	Winfield S. Hancock, Dem.....	225,522		
	James B. Weaver, Prohib.....	12,896		
1884	¹ Grover Cleveland, Dem.....	244,990	6,527	15
	James G. Blaine, Rep.....	238,463		
	Benjamin F. Butler, Labor.....	8,293		
	John P. St. John, Prohib.....	3,028		
1888	¹ Benjamin Harrison, Rep.....	263,361	2,348	15
	Grover Cleveland, Dem.....	261,013		
	Clinton P. Fisk, Prohib.....	9,881		
	Alson J. Streeter, Labor.....	2,694		

¹ The candidate that was elected.

Year.	Candidates.	Popular Vote.	Plurality.	Elec- toral Vote.
1892	¹ Grover Cleveland, Dem.....	262,740	7,125	15
	Benjamin Harrison.....	255,615	.....	.....
	James B. Weaver, Populist.....	22,028	.....	.....
	John Bidwell, Prohib.....	13,050	.....	.....
1896	¹ William McKinley, Rep.....	323,754	18,181	15
	William J. Bryan, Dem.....	305,573	.....	.....
	John M. Palmer, Gold Dem.....	2,145	.....	.....
	Joshua Levering, Prohib.....	5,323	.....	.....
1900	¹ William McKinley, Rep.....	336,063	26,479	15
	William J. Bryan, Dem.....	309,584	.....	.....
	John G. Woolley, Prohib.....	13,718	.....	.....
1904	¹ Theodore Roosevelt, Rep.....	368,289	93,934	15
	Alton B. Parker, Dem.....	274,355	.....	.....
	Silas C. Swallow, Prohib.....	23,496	.....	.....
	Eugene V. Debs, Socialist.....	11,762	.....	.....
1908	¹ William H. Taft, Rep.....	348,993	10,731	15
	William J. Bryan, Dem.....	338,262	.....	.....
	Eugene W. Clafin, Prohib.....	18,045	.....	.....
	Eugene V. Debs, Socialist.....	13,476	.....	.....

¹ The candidate that was elected.

From the foregoing table it is ascertained that out of twenty-three presidential elections in which Indiana has participated, she has been able to "pick the winner" in all but four. Hence with her reputation of being "doubtful," having voted with every leading party, and switched from one to another with great facility, there appears to be method in her madness. In other words, the political judgment of her people seldom errs. The record presented in this respect is unique, not being equaled in any other state. The four elections in which Indiana wasted her electoral votes on losing candidates were: 1824, 1836, 1848 and 1876.

POPULATION OF THE UNITED STATES AT EACH CENSUS
DECADE FROM 1790 TO 1910, WITH INCREASE FOR
EACH DECADE BY NUMBER AND PER CENT

Census Year.	Population.	Increase.	
		Number.	Per Cent.
1790.	3,929,214	.....	.....
1800.	5,308,483	1,379,269	35.1
1810.	7,239,881	1,931,398	36.4
1820.	9,638,453	2,398,572	33.1
1830.	12,866,020	3,227,567	33.5
1840.	17,069,453	4,203,433	32.7
1850.	23,191,876	6,122,423	35.9
1860.	31,443,321	8,251,445	35.6
1870.	38,558,371	7,115,050	22.6
1880.	50,189,209	11,630,838	30.2
1890.	63,069,756	12,880,547	25.7
1900.	76,303,387	13,233,631	21.0
¹ 1910.	90,037,987	13,734,600	18.0

¹ The figures for 1910 are estimates.

THE PRESIDENTS

President, and by what Party Elected.	State.	Term of Office.	Vice-President
George Washington, } Whole People..... }	Virginia	1789-1797	John Adams
John Adams, Federalist..	Mass.	1797-1801	Thos. Jefferson
Thomas Jefferson, Dem.- } Rep..... }	Virginia	1801-1809	{ Aaron Burr { Geo. Clinton
James Madison, Dem.- } Rep..... }	Virginia	1809-1817	{ Geo. Clinton { Elbridge Gerry
James Monroe, Dem.-Rep.	Virginia	1817-1825	Dan'l D. Tompkins
John Q. Adams, House } of Rep..... }	Mass.	1825-1829	John C. Calhoun
Andrew Jackson, Dem. . .	Tenn.	1829-1837	{ John C. Calhoun { Martin Van Buren
Martin Van Buren, Dem.	New York	1837-1841	Richard M. Johnson
William H. Harrison, } Whig..... }	Ohio	1mo. 1841	John Tyler
John Tyler, Whig.	Virginia	1841-1845	.....
James K. Polk, Dem.	Tenn.	1845-1849	Geo. M. Dallas
Zachary Taylor, Whig....	Louisiana	1849-1850	Millard Fillmore
Millard Fillmore, Whig ..	New York	1850-1853	.....
Franklin Pierce, Dem. . . .	N. Hamp.	1853-1857	Wm. R. King
James Buchanan, Dem. . . .	Penn.	1857-1861	Jno.C. Breckinridge { Hannibal Hamlin { Andrew Johnson
Abraham Lincoln, Rep. . . .	Illinois	1861-1865	.....
Andrew Johnson, Rep. . . .	Tenn.	1865-1869	.....
Ulysses S. Grant, Rep. . . .	Illinois	1869-1877	{ Schuyler Colfax { Henry B. Wilson
Rutherford B. Hayes, Rep.	Ohio	1877-1881	Wm. A. Wheeler
James A. Garfield, Rep. . . .	Ohio	6 mo. 1881	Chester A. Arthur
Chester A. Arthur, Rep. . . .	New York	1881-1885	.....
Grover Cleveland, Dem. . . .	New York	1885-1889	Thos. A. Hendricks
Benjamin Harrison, Rep.	Indiana	1889-1893	Levi P. Morton
Grover Cleveland, Dem. . . .	New York	1893-1897	Adlai E. Stevenson
William McKinley, Rep. . . .	Ohio	1897-1901	{ Garret A. Hobart { Theo. Roosevelt
Theodore Roosevelt, Rep.	New York	1901-1909	{ { Chas.W.Fairbanks
William H. Taft, Rep.	Ohio	1909-	James S. Sherman

CONSTITUTION OF INDIANA

PREAMBLE

To the end, that justice be established, public order maintained, and liberty perpetuated; We, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.

ARTICLE I

BILL OF RIGHTS

Section 1. We declare, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well being. For the advancement of these ends, the people have, at all times, an indefeasible right to alter and reform their government.

Sec. 2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

Sec. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Sec. 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no man shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent.

Sec. 5. No religious test shall be required, as a qualification for any office of trust or profit.

Sec. 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

Sec. 7. No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

Sec. 8. The mode of administering an oath or affirmation shall be

such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.

Sec. 9. No law shall be passed restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right, every person shall be responsible.

Sec. 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

Sec. 11. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

Sec. 12. All courts shall be open; and every man for injury done him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely and without denial; speedily and without delay.

Sec. 13. In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

Sec. 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

Sec. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

Sec. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

Sec. 17. Offenses, other than murder and treason, shall be bailable by sufficient sureties. Murder and treason shall not be bailable, when the proof is evident or the presumption strong.

Sec. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

Sec. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

Sec. 20. In all civil cases, the right of trial by jury shall remain inviolate.

Sec. 21. No man's particular services shall be demanded without just compensation. No man's property shall be taken by law without

just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

Sec. 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

Sec. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens.

Sec. 24. No *ex post facto* law, or law impairing the obligation of contract, shall be passed.

Sec. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

Sec. 26. The operation of the laws shall never be suspended, except by the authority of the General Assembly.

Sec. 27. The privileges of the writ of habeas corpus shall not be suspended, except in case of rebellion or invasion; and then, only if the public safety demand it.

Sec. 28. Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

Sec. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

Sec. 30. No conviction shall work corruption of blood or forfeiture of estate.

Sec. 31. No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

Sec. 32. The people shall have a right to bear arms for the defense of themselves and the State.

Sec. 33. The military shall be kept in strict subordination to the civil power.

Sec. 34. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Sec. 35. The General Assembly shall not grant any title of nobility nor confer hereditary distinctions.

Sec. 36. Emigration from the State shall not be prohibited.

Sec. 37. There shall be neither slavery nor involuntary servitude

within the State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted. No indenture of any Negro or Mulatto, made and executed out of the bounds of the State, shall be valid within the State.

ARTICLE II

SUFFRAGE AND ELECTIONS

Section 1. All elections shall be free and equal.

Sec. 2. In all elections, not otherwise provided for by this Constitution, every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election; and every male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law. (As amended March 24, 1881.)

Sec. 3. No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.

Sec. 4. No person shall be deemed to have lost his residence in the State, by reason of his absence, either on business of the State or of the United States.

Sec. 5. [Stricken out by constitutional amendment of March 14, 1881.]

Sec. 6. Every person shall be disqualified from holding office, during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward, to secure his election.

Sec. 7. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

Sec. 8. The General Assembly shall have power to deprive of the

right of suffrage, and to render ineligible any person convicted of an infamous crime.

Sec. 9. No person holding a lucrative office or appointment under the United States or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted; Provided, That offices in the militia, to which there is attached no annual salary, and the office of deputy postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative: And provided, also, That counties containing less than one thousand polls may confer the office of Clerk, Recorder, and Auditor, or any two of said offices, upon the same person.

Sec. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit until he shall have accounted for, and paid over, according to law, all sums for which he may be liable.

Sec. 11. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

Sec. 12. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest, in going to elections, during their attendance there, and in returning from the same.

Sec. 13. All elections by the People shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

Sec. 14. All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: Provided, That the General Assembly may provide by law for the election of all judges of courts of general and appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote. (As amended March 14, 1881.)

ARTICLE III

DISTRIBUTION OF POWERS

Section 1. The powers of the Government are divided into three separate departments: the Legislative, the Executive (including the Administrative), and the Judicial; And no person, charged with official duties under one of these departments, shall exercise any of the functions of another except as in this Constitution expressly provided.

ARTICLE IV

LEGISLATIVE

Section 1. The Legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives. The style of every law shall be, "Be it enacted by the General Assembly of the State of Indiana;" and no law shall be enacted, except by bill.

Sec. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided.

Sec. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election: Provided, however, That the Senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and of those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed by lot, to one or the other of the two classes, as to keep them as nearly equal as practicable.

Sec. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every six years thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years. (As amended March 14, 1881.)

Sec. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants, above twenty-one years of age, in each: Provided, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly before the adoption of this Constitution. (As amended March 14, 1881.)

Sec. 6. A Senatorial or Representative district, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for Senatorial apportionment, shall ever be divided.

Sec. 7. No person shall be a Senator or a Representative who, at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an

inhabitant of this State, and for one year next preceding his election, an inhabitant of the county or district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

Sec. 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process, during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

Sec. 9. The sessions of the General Assembly shall be held biennially at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time by proclamation, call a special session.

Sec. 10. Each House, when assembled, shall choose its own officers, the President of the Senate excepted; judge the elections, qualifications, and returns of its own members; determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

Sec. 11. Two-thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing, shall be entitled to no compensation from the end of the said five days, until an organization shall have been effected.

Sec. 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal: Provided, That, on motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

Sec. 13. The doors of each house, and of committees of the whole, shall be kept open, except in such cases, as, in the opinion of either House, may require secrecy.

Sec. 14. Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Sec. 15. Either House, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior in its presence; but such imprisonment shall not, at any time, exceed twenty-four hours.

Sec. 16. Each House shall have all powers, necessary for a branch of the legislative department of a free and independent State.

Sec. 17. Bills may originate in either House, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

Sec. 18. Every bill shall be read, by sections, on three several days, in each House; unless, in case of emergency, two-thirds of the House where such bill may be pending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

Sec. 19. Every act shall embrace but one subject and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Sec. 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

Sec. 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

Sec. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of Justices of the Peace and of Constables;

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying out, opening, and working on, highways, and for the election or appointment of supervisors;

Vacating roads, town plats, streets, alleys, and public squares;

Summoning and impanneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers, and their compensation;

For the assessment and collection of taxes for State, county, township, or road purposes;

Providing for supporting common schools, and for the preservation of school funds;

In relation to fees or salaries; except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required. (As amended March 14, 1881.)

In relation to interest on money;

Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

Sec. 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

Sec. 24. Provision may be made, by general law, for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

Sec. 25. A majority of all the members elected to each House, shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the Presiding Officers of the respective Houses.

Sec. 26. Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

Sec. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

Sec. 28. No act shall take effect until the same shall have been published and circulated, in the several counties of this State by authority, except in case of emergency; which emergency shall be declared in the preamble or in the body of the law.

Sec. 29. The members of the General Assembly shall receive for their services a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase

may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.

Sec. 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office the election of which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the People.

ARTICLE V

EXECUTIVE

Section 1. The executive powers of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years, in any period of eight years.

Sec. 2. There shall be a Lieutenant-Governor, who shall hold his office during four years.

Sec. 3. The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the General Assembly.

Sec. 4. In voting for Governor and Lieutenant-Governor the electors shall designate for whom they vote as Governor, and for whom as Lieutenant-Governor. The returns of every election for Governor and Lieutenant-Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

Sec. 5. The persons respectively, having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant-Governor, as the case may be.

Sec. 6. Contested elections for Governor or Lieutenant-Governor shall be determined by the General Assembly, in such manner as may be prescribed by law.

Sec. 7. No person shall be eligible to the office of Governor or Lieutenant-Governor, who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible

to either of the said offices who shall not have attained the age of thirty years.

Sec. 8. No member of Congress, or person holding any office under the United States or under this State, shall fill the office of Governor or Lieutenant-Governor.

Sec. 9. The official term of the Governor and Lieutenant-Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every four years thereafter.

Sec. 10. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Lieutenant-Governor; and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant-Governor, declaring what officer shall then act as Governor; and such officer shall act accordingly until the disability be removed, or a Governor be elected.

Sec. 11. Whenever the Lieutenant-Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

Sec. 12. The Governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws or to suppress insurrection, or to repel invasion.

Sec. 13. He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

Sec. 14. Every bill which shall have passed the General Assembly, shall be presented to the Governor; if he approves, he shall sign it; but if not, he shall return it, with his objections, to the House in which it shall have originated; which House shall enter the objections, at large, upon its journals and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered; and, if approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within three days, Sunday excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the General Assembly

at its next session, in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

Sec. 15. The Governor shall transact all necessary business with the officers of Government, and may require information in writing from the officers of the administrative department upon any subject relating to the duties of their respective offices.

Sec. 16. He shall take care that the laws be faithfully executed.

Sec. 17. He shall have the power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly, at its next meeting; when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: Provided, however, That the General Assembly may, by law, constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, in any case, except such as may, by law, be left to his sole power.

Sec. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when, at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any court; the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Sec. 19. He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly.

Sec. 20. Should the seat of Government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

Sec. 21. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate; have a right, when in Committee of the Whole, to join in debate, and to vote on all subjects; and whenever the Senate shall be equally divided, he shall give the casting vote.

Sec. 22. The Governor shall, at stated times, receive for his ser-

vices a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

Sec. 23. The Lieutenant-Governor, while he shall act as President of the Senate, shall receive for his services the same compensation as the Speaker of the House of Representatives; and any person acting as Governor shall receive the compensation attached to the office of Governor.

Sec. 24. Neither the Governor nor Lieutenant-Governor shall be eligible to any other office, during the term for which he shall have been elected.

ARTICLE VI

ADMINISTRATIVE

Section 1. There shall be elected by the voters of the State, a Secretary, an Auditor, and a Treasurer of State, who shall, severally, hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices more than four years in any period of six years.

Sec. 2. There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor. The Clerk, Auditor, and Recorder, shall continue in office four years; and no person shall be eligible to the office of Clerk, Recorder, or Auditor more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner, and Surveyor, shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff more than four years in any period of six years.

Sec. 3. Such other county and township officers as may be necessary shall be elected, or appointed, in such manner as may be prescribed by law.

Sec. 4. No person shall be elected, or appointed, as a county officer who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof, during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties out of which the same shall have been taken.

Sec. 5. The Governor, and the Secretary, Auditor, and Treasurer of State, shall, severally, reside and keep the public records, books and papers, in any manner relating to the respective offices, at the seat of government.

Sec. 6. All county, township, and town officers, shall reside within their respective counties, townships, and towns; and shall keep their

respective offices at such places therein, and perform such duties as may be directed by law.

Sec. 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

Sec. 8. All State, county, township, and town officers may be impeached or removed from office, in such manner as may be prescribed by law.

Sec. 9. Vacancies in county, township, and town offices, shall be filled in such manner as may be prescribed by law.

Sec. 10. The General Assembly may confer upon the Boards doing county business in the several counties, powers of a local administrative character.

ARTICLE VII

JUDICIAL

Section 1. The Judicial power of the State shall be vested in a Supreme Court, in Circuit Courts and in such other courts as the General Assembly may establish. (As amended March 14, 1881.)

Sec. 2. The Supreme Court shall consist of not less than three, nor more than five Judges, a majority of whom shall form a quorum; they shall hold their offices for six years, if they so long behave well.

Sec. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court; and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judges shall be elected by the electors of the State at large.

Sec. 4. The Supreme Court shall have jurisdiction, co-extensive with the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

Sec. 5. The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decision of the Court thereon.

Sec. 6. The General Assembly shall provide, by law, for the speedy publication of the decisions of the Supreme Court, made under this Constitution; but no Judge shall be allowed to report such decisions.

Sec. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

Sec. 8. The Circuit Courts shall each consist of one Judge, and shall have such civil and criminal jurisdiction as may be prescribed by law.

Sec. 9. The State shall, from time to time, be divided into Judicial Circuits; and a Judge for each Circuit shall be elected by the voters thereof. He shall reside within the Circuit, and shall hold his office for the term of six years, if he so long behave well.

Sec. 10. The General Assembly may provide, by law, that the Judge of one Circuit may hold the Courts of another Circuit, in cases of necessity or convenience; and, in case of temporary inability of any Judge, from sickness or other cause, to hold the Courts in his Circuit, provision may be made, by law, for holding such Courts.

Sec. 11. There shall be elected, in each Judicial Circuit, by the voters thereof, a Prosecuting Attorney, who shall hold his office for two years.

Sec. 12. Any Judge or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

Sec. 13. The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

Sec. 14. A competent number of Justices of the Peace shall be elected by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

Sec. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

Sec. 16. No person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit under the State, other than a judicial office.

Sec. 17. The General Assembly may modify or abolish the Grand Jury system.

Sec. 18. All criminal prosecutions shall be carried on in the name, and by the authority, of the State; and the style of all process shall be "The State of Indiana."

Sec. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other Courts of justice; but such tribunals or other Courts, when sitting as such, shall have no power to

render judgment to be obligatory on the parties, unless they voluntarily submit their matters of difference, and agree to abide the judgment of such tribunal or court.

Sec. 20. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners, whose duty it shall be to revise, simplify, and abridge the rules, practice, pleadings, and forms, of the courts of justice. And they shall provide for abolishing the distinct forms of action at law, now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said Commissioners to reduce into a systematic code the general statute law of the State; and said Commissioners shall report the result of their labors to the General Assembly, with such recommendations and suggestions, as to abridgment and amendment, as to said Commissioners may seem necessary or proper. Provisions shall be made by law, for filling vacancies, regulating the tenure of office, and the compensation of said Commissioners.

Sec. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice.

ARTICLE VIII

EDUCATION

Section 1. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all.

Sec. 2. The Common School fund shall consist of the Congressional Township fund, and the lands belonging thereto;

The surplus revenue fund;

The saline fund and the lands belonging thereto;

The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of County seminaries, and the moneys and property heretofore held for such seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State, for want of heirs or kindred entitled to the inheritance;

All lands that have been or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the Swamp Lands, granted to the State of Indiana by the act of Congress of the 28th of September, 1850, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations, that may be assessed by the General Assembly for Common School purposes.

Sec. 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.

Sec. 4. The General Assembly shall invest in some safe and profitable manner all such portions of the Common School fund, as have not heretofore been intrusted to the several counties; and shall make provision, by law, for the distribution, among the several counties, of the interest thereof.

Sec. 5. If any county shall fail to demand its proportion of such interest for Common School purposes, the same shall be reinvested for the benefit of such county.

Sec. 6. The several counties shall be held liable for the preservation of so much of the said fund as may be intrusted to them, and for the payment of the annual interest thereon.

Sec. 7. All trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

Sec. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction, who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

ARTICLE IX

STATE INSTITUTIONS

Section 1. It shall be the duty of the General Assembly to provide, by law, for the support of Institutions for the Education of the Deaf and Dumb, and of the Blind, and also for the treatment of the Insane.

Sec. 2. The General Assembly shall provide Houses of Refuge for the correction and reformation of juvenile offenders.

Sec. 3. The County Boards shall have power to provide farms as an asylum for those persons who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society.

ARTICLE X

FINANCE

Section 1. The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law.

Sec. 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury, derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than Bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the Public Debt.

Sec. 3. No money shall be drawn from the Treasury but in pursuance of appropriations made by law.

Sec. 4. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly.

Sec. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense.

Sec. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town, or township, nor of any corporation whatever.

Sec. 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19, 1846; and an act supplemental to said act, passed January 29, 1847; which by the provisions of the said acts,

or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned; and no such certificates of stock shall ever be paid by this State.

[Note. — Section 7 is an amendment agreed to by a majority of the members elected to each of the two houses of the General Assembly, Regular Session of 1871, and referred to the General Assembly to be chosen at the next general election. Agreed to by a majority of the members elected to each house of the General Assembly, Special Session of 1872. Submitted to the electors of the State by an act approved January 28, 1873. Ratified by a majority of the electors, at an election held on the 18th day of February, 1873. Declared a part of the Constitution by proclamation of Thomas A. Hendricks, Governor, March 7, 1873.]

ARTICLE XI

CORPORATIONS

Section 1. The General Assembly shall not have power to establish, or incorporate, any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

Sec. 2. No bank shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

Sec. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required; which collateral security shall be under the control of the proper officer or officers of State.

Sec. 4. The General Assembly may also charter a bank with branches, without collateral security as required in the preceding section.

Sec. 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities upon all paper credit issued as money.

Sec. 6. The stockholders in every bank, or banking company, shall be individually responsible, to an amount, over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

Sec. 7. All bills or notes issued as money shall be, at all times, redeemable in gold or silver, and no law shall be passed, sanctioning, directly or indirectly, the suspension by any bank or banking company, of specie payments.

Sec. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

Sec. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law, to individuals loaning money.

Sec. 10. Every bank or banking company shall be required to cease all banking operations, within twenty years from the time of its organization, and promptly thereafter to close its business.

Sec. 11. The General Assembly is not prohibited from investing the Trust Funds in a bank with branches, but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

Sec. 12. The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever be given, or loaned, in aid of any person, association, or corporation; nor shall the State hereafter become a stockholder in any corporation or association.

Sec. 13. Corporations, other than banking, shall not be created by special act, but may be formed under general laws.

Sec. 14. Dues from corporations, other than banking, shall be secured by such individual liability of the corporations, or other means, as may be prescribed by law.

ARTICLE XII

MILITIA

Section 1. The militia shall consist of all able-bodied white male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State; and shall be organized, officered, armed, equipped, and trained in such manner as may be provided by law.

Sec. 2. The Governor shall appoint the Adjutant, Quartermaster, and Commissary Generals.

Sec. 3. All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years.

Sec. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and fix the rank of all staff officers.

Sec. 5. The militia may be divided into classes of sedentary and active militia, in such manner as shall be prescribed by law.

Sec. 6. No person conscientiously opposed to bearing arms, shall be compelled to do militia duty; but such person shall pay an equivalent for exemption, the amount to be prescribed by law.

ARTICLE XIII

POLITICAL AND MUNICIPAL CORPORATIONS

Section 1. No political or municipal corporation in this State shall ever become indebted, in any manner, or for any purpose, to any amount, in the aggregate exceeding two per centum on the value of taxable property, within such corporation, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; and all bonds or obligations, in excess of such amount, given by such corporations, shall be void: Provided, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition. (Amendment adopted March 14, 1881, and inserted in lieu of the original Article 13, which was stricken out.)

ARTICLE XIV

BOUNDARIES

Section 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded on the east by the meridian line, which forms the western boundary of the State of Ohio; on the south by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River; on the west by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of said Wabash River; and thence by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north by said east and west line, until the same shall intersect the first-mentioned meridian line, which forms the western boundary of the State of Ohio.

Sec. 2. The State of Indiana shall possess jurisdiction and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River, so far as said rivers form the common boundary between this State and said States respectively.

ARTICLE XV

MISCELLANEOUS

Section 1. All officers whose appointments are not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

Sec. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

Sec. 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer other than a member of the General Assembly shall hold his office for any given term, the same shall be construed to mean that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

Sec. 4. Every person elected or appointed to any office under this Constitution shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of this State, and of the United States, and also an oath of office.

Sec. 5. There shall be a Seal of State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

Sec. 6. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed by the State Seal, and attested by the Secretary of State.

Sec. 7. No county shall be reduced to an area less than four hundred square miles; nor shall any county under that area be further reduced.

Sec. 8. No lottery shall be authorized, nor shall the sale of lottery tickets be allowed.

Sec. 9. The following grounds owned by the State in Indianapolis, namely, the State House Square, the Governor's Circle, and so much of outlot numbered one hundred and forty-seven as lies north of the arm of the Central Canal, shall not be sold or leased.

Sec. 10. It shall be the duty of the General Assembly to provide for the permanent inclosure and preservation of the Tippecanoe Battle Ground.

ARTICLE XVI

AMENDMENTS

Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each

of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election; and, if in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all members elected to each house, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State; and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

Sec. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately; and while an amendment or amendments which shall have been agreed upon by one General Assembly shall be awaiting the action of a succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed.

Done in Convention, at Indianapolis, the tenth day of February, in the year of our Lord one thousand eight hundred and fifty-one; and of the independence of the United States, the seventy-fifth.

GEORGE WHITFIELD CARR,
President and Delegate from the County of Lawrence.

Attest:

WM. H. ENGLISH,
Principal Secretary.

ADDENDA

The original sections stricken out or amended read as follows:

ARTICLE II

SUFFRAGE AND ELECTION

Section 2. In all elections, not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have

resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.

Sec. 5. No negro or mulatto shall have the right of suffrage.

Sec. 14. All general elections shall be held on the second Tuesday in October.

ARTICLE IV

LEGISLATIVE

Section 4. The General Assembly shall, at its second session after the adoption of this Constitution and every six years thereafter, cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years.

Sec. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law and apportioned among the several counties, according to the number of white male inhabitants, above twenty-one years of age, in each: Provided, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution.

Sec. 22. In relation to fees or salaries.

ARTICLE VII

JUDICIAL

Section 1. The judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such inferior courts as the General Assembly may establish.

ARTICLE XIII

NEGROES AND MULATTOES

Section 1. No negro or mulatto shall come into, or settle in, the State, after the adoption of this Constitution.

Sec. 2. All contracts made with any negro or mulatto coming into the State, contrary to the provisions of the foregoing section, shall be void; and any person who shall employ such negro or mulatto, or

otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.

Sec. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes, and their descendants as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

Sec. 4. The General Assembly shall pass laws to carry out the provisions of this article.

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